

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
February 25, 2004**

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **10:30 a.m. First Reading, Public Hearing** (Page 163)
(Planning Department)
(Second Reading, Public Hearing on January 14, 2004)

R5 - Ordinances (Continued)

- R5B An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue And 6300 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **2:00 p.m. Second Reading, Public Hearing** (Page 172)
(Planning Department)
(Continued from February 4, 2004)

- R5C Proposed Amendment To The Goals, Policies & Objectives And The Future Land Use Map Of The Comprehensive Plan.
An Ordinance **1)** Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And **2)** Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing** (Page 201)
(Planning Department)
(Continued from December 10, 2003)

- R5D Proposed Amendment to Official Zoning District Map & Land Development Regulations.
An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing** (Page 222)
(Planning Department)
(Continued from December 10, 2003)

R5 - Ordinances (Continued)

- R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplemental Yard Regulations," Division 4, "Allowable Encroachments," By Amending Section 142-1132 To Establish Revised Standards For The Installation Of Fences In Multi-Family Residential Districts; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading** (Page 239)
(Planning Department)
- R5F An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 142, "Zoning Districts And Regulations"; Amending Section 142-1161, "Height Regulation Exceptions"; Amending Section 142-1161(D), "Rooftop Additions" By Modifying The Prohibition Of Rooftop Additions Of More Than One Story In The North Beach Resort Historic District; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 246)
(Planning Department)
- R5G An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-131, "Membership," Amending The Membership Of The Board Of Adjustment To Conform To The Recently Adopted Charter Amendment Expanding The Board From Five To Seven Regular Voting Members And Removing Ex-Officio Members From The Board; And Section 118-136, "Powers And Duties," Amending The Voting Requirement To Approve Matters Coming Before The Board From 4/5 To 5/7; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 261)
(Planning Department)

R6 - Commission Committee Reports

- R6A Verbal Report Of The Neighborhood/Community Affairs Committee Meeting Of February 17, 2004: 1) Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; 2) Discussion Regarding The Transfer Of Beach Patrol From The Parks Department To The Fire Department; 3) Discussion Regarding Potential Enhancements To The Pine Tree Bark Park; And 4) Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date. (Page 269)

R7 - Resolutions

- R7A A Resolution Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Serving As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4); Provided The Aforestated Waiver Is Herein Granted, Awarding A Contract To The Lowest And Best Bidder, Tran Construction, Inc., In The Amount Of \$1,996,000 For The Base Bid, Add Alternate No. 1 And Add Alternate No. 4, Pursuant To Bid No. 10-03/04 For The Ada And Interior Renovations For The Jackie Gleason Theater Of The Performing Arts; And, Provided, In The Event That The Aforestated Waiver Is Herein Not Granted, Awarding A Contract To The Then Lowest And Best Bidder, Miami Skyline, In The Amount Of \$1,975,000 For The Base Bid And Add Alternate No. 1 Only. **10:45 a.m. Public Hearing** (Page 272)
(Capital Improvement Projects)
- R7B A Resolution Approving The Creation Of Restricted Residential Parking Permit Zone 12/Upper West Avenue (13th Street To Dade Boulevard Canal). **5:01 p.m. Public Hearing** (Page 285)
(Parking Department)
- R7C A Resolution Approving The City's 2004-2005 Federal Legislative Agenda. (Page 296)
(Economic Development)
- R7D Concession Agreement With Penrod Brothers, Inc. (Page 327)
1. A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And Penrod Brothers, Inc., For The Management And Operation Of A Concession In That Portion Of Pier Park Seaward Of The Footprint Of The Penrod's Restaurant, Located At One Ocean Drive, Miami Beach, Florida; Said Agreement Having An Initial Term Of Two (2) Years, Seven (7) Months And Six (6) Days, Commencing Retroactively On October 1, 2003, And Expiring On May 6, 2006, With An Option To Renew To Run Concurrently With The Term Of That Certain Lease Agreement Entitled, "Lease Agreement Between The City Of Miami Beach And Penrod Brothers, Inc. For A Pier Park Restaurant Facility"; Provided Further That Said Concession Agreement Is Terminable By The City Without Cause And For Convenience, Upon 180 Days Written Notice To Penrod's.
 2. A Resolution Authorizing The Mayor And City Clerk To Execute A Third Amendment To That Certain Lease Agreement Entitled, "Lease Agreement Between The City Of Miami Beach And Penrod Brothers, Inc. For A Pier Park Restaurant Facility," For Use Of The Property Located At One Ocean Drive, Miami Beach, Florida; Said Third Amendment Increasing The Percentage Rent Due To The City And Correcting Scrivener's Errors In Exhibits "A" (Site Plan) And "B" (Legal Description) To The Agreement.
(Economic Development)
- R7E A Resolution Approving The Schematic Design Concept For The Citywide Wayfinding Signage Project. (Page 392)
(City Manager's Office)

R7 - Resolutions (Continued)

- R7F A Resolution Relative To A Proposed Settlement Agreement Of The Litigation With East Coastline Development, LTD., And Other Portofino-Related Entities, And Involving The Related Group Of Florida And/Or Other Related Entities, And Involving The Development Of Properties Known As The Alaska Parcel, Goodman Terrace And Hinson Parcels, And Blocks 1, 51 And 52 In The South Pointe Area Of Miami Beach. (Page 399)
(City Attorney's Office)
(Memorandum and Resolution to be Submitted in Supplemental)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 402)
(City Clerk's Office)
- R9B Discussion Regarding Giving Consulates Stationed In Miami-Dade County Parking Permits. (Page 408)
(Requested By Commissioner Simon Cruz)
(Deferred from February 4, 2004)
- R9C Discussion/Report Regarding The Effectiveness Of Homeless Initiative. (Page 410)
(Requested by Commissioner Saul Gross)
- R9D Discussion Regarding Amending The City's 2004 State Legislative Agenda To Include An Item That Supports Legislation That Designates A State Road In Miami Beach As "Miami Beach All America City Boulevard." (Page 430)
(Economic Development)
- R9E Discussion Regarding Additional Criteria Be Added To Existing City's Human Rights Ordinance. (Page 432)
(Requested by Commissioner Luis R. Garcia, Jr.)
- R9F Discussion Regarding Club Madonna. (Page 436)
(Requested by Commissioner Simon Cruz)
- R9G Discussion Regarding Designating Miami Beach As A National Heritage City. (Page 438)
(Requested by Commissioner Simon Cruz)
- R9H Discussion Regarding Resolution Opposing Senate Bill 2000 Which Would Weaken The Florida Kidcare Program That Provides Affordable Low Cost Health Insurance For The Uninsured Children Of Florida. (Page 442)
(Requested by Commissioner Richard L. Steinberg)

R9 - New Business and Commission Requests (Continued)

- R9I Discussion Regarding Implementing A Trust Fund To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson. (Page 446)
(Requested by Commissioner Luis R. Garcia, Jr.)

R10 - City Attorney Reports

- R10A Notice Of Closed Executive Session. (Page 449)
Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 25, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

R10 - City Attorney Reports (Continued)

- R10B Notice Of Closed Executive Session. (Page 451)
Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 25, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Da Mortgage, Inc., A Florida Corporation; 136 Collins Avenue, L.C.; A Florida Corporation Vs. City Of Miami Beach, A Florida Municipal Corporation; And Miami Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

136 Collins Avenue, L.C.; And Roman Jones Vs. City Of Miami Beach, A Florida Municipal Corporation. Third District Court Of Appeals, Case No. 3D03-3154, L.T. Case No. 03-15647 CA 31

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And Assistant City Attorney Roberto Datorre.

Reports and Informational Items

- A City Attorney's Status Report. (Page 454)
(City Attorney's Office)
- B Parking Status Report. (Page 458)
(Parking Department)
- C Non-City Entities Represented By City Commission:
1. Minutes For The January 23, 2004 Meeting Of The Miami-Dade County Homeless Trust Board. (Page 496)
(Requested by Commissioner Richard L. Steinberg)
 2. Minutes For The January 14, 2004 Performing Arts Center Trust (PACT) Construction Committee Meeting; January 15, 2004 PACT Board Meeting; Construction Progress Report For February 3, 2004; And Agenda For The Upcoming February 10, 2004 PACT Board Meeting. (Page 502)
(Requested by Commissioner Matti Herrera Bower)
 3. Minutes For The November 13, 2003 Tourism Development Council Panel Meeting And Agenda For The Upcoming February 18, 2004 Tourism Development Council Subcommittee Meeting. (Page 518)
(Requested by Commissioner Matti Herrera Bower)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



OFFICE OF THE CITY CLERK

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)

February 4 (Wednesday)

February 25 (Wednesday)

March 17 (Wednesday)

April 14 (Wednesday)

May 5 (Wednesday)

May 26 (Wednesday)

June 9 (Wednesday)

July 7 (Wednesday)

July 28 (Wednesday)

August City Commission in Recess – NO MEETINGS

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An ordinance of the Mayor and City Commission amending Chapter 142, "Land Development Regulations," of the City Code; Division 7. "CCC, Civic and Convention Center district," in order to allow waivers of development regulations by a five-sevenths vote of the City Commission.

Issue:

The City Commission already has the discretion to waive the development regulations in the GU, Government Use districts. Should the Commission have the same discretion in the CCC district?

Item Summary/Recommendation:

Currently the City Code allows the City Commission to waive development regulations in the GU, Government Use district; however the CCC, Civic and Convention Center regulations do not have the same provision.


The Administration recommends that the City Commission approve the proposed amendment.

Advisory Board Recommendation:

At the September 30, 2003 meeting, the Planning Board considered the proposed ordinance and made the following motion by a vote of 5-0 (2 members absent):

- Recommend approval of the ordinance granting the City Commission, by a 5/7ths vote, the power to waive solely for the New World Symphony, the parking requirements that otherwise would be applicable in the LDRs; provided,
- City Commission simultaneously commit to provide the spaces in a new parking facility within 1200 ft.;
- The Planning Board stated that they feel very strongly that no other aspect of the LDRs should be modified until there is a fully designed project.

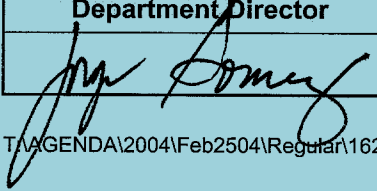

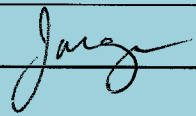
Financial Information:

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSA

DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

First Reading

Subject: CCC, Civic and Convention Center District amendment to include provisions for waivers of development regulations by the City Commission.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approved the proposed ordinance on first reading and set a second reading public hearing for the March 17, 2004 meeting.

ANALYSIS

As shown on the locational map below, the boundaries of the CCC district are Dade Boulevard to the north, Washington Avenue to the east, North Lincoln Lane to the south with the west boundary on Meridian Court from No. Lincoln Lane to the north lot line of the 777 17th Street building (City Hall Annex) and Meridian Avenue.

The proposed ordinance consists of the following:

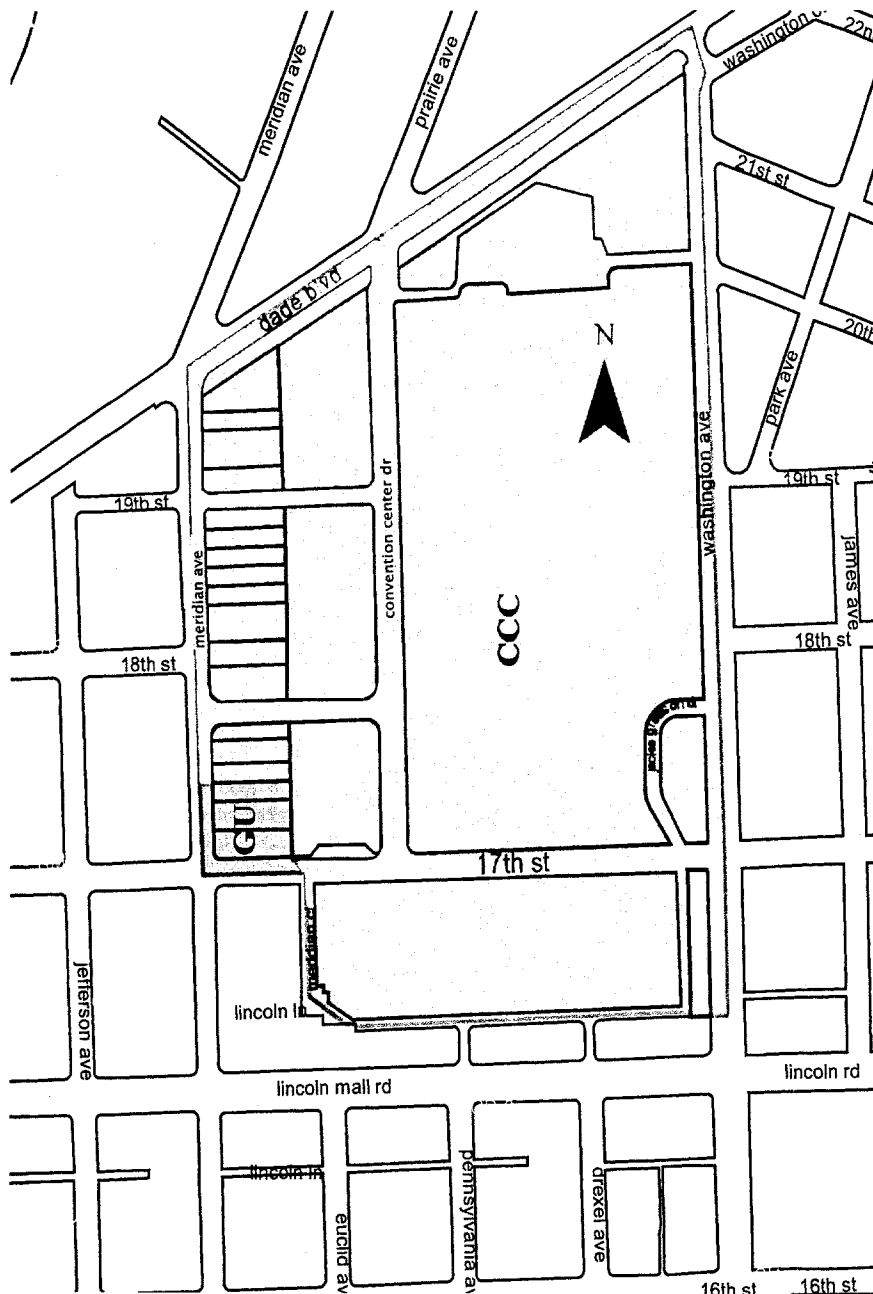
Section 1. The ordinance proposes to amend the public notice requirements currently existing in the CCC district for consistency with those that exist in the GU, Government Use

district, which requires a 15-day newspaper and mailed notice to property owners within a 375' radius. This proposed change will also be consistent with the notice requirements of the City's development boards.

Section 2. This proposed ordinance tracks the language that empowers the City Commission to waive certain development regulations with respect to City-owned property that is zoned "GU, Government Use" such as setbacks, parking, height and other requirements as may be necessary, by amending the "CCC" District section of the Land Development Regulations of the City Code, to allow for the same procedure for City owned land in the "CCC" District.

The purpose for these amendments is one of achieving efficiency and effectiveness. The New World Symphony proposal will require the use of this authority by the City

Commission to waive regulations. By having the City Code amended at this time, efficiency will be achieved as there will be a process in place whereby the City Commission can act expeditiously.



The properties that lie within a GU or the CCC districts are government-owned and it stands to reason that if the GU already permits waivers of development regulations by the City Commission, the CCC district regulations should also give the City Commission the same discretion. These proposed amendments seek to make the Land Development Regulations of the City Code more consistent for different but related zoning districts.

PLANNING BOARD ACTION

At its July 2, 2003 meeting, the City Commission referred the proposed ordinance to the Planning Board for its review and recommendations. The Planning Board met on July 29, 2003, and commented that the City Commission should not waive all development regulations as a general policy; that it is better to look at waivers of development regulations and variances on a case by case basis and based on the merits of the specific project. The Board commented further that they believed that the Commission should even reconsider its policy of waiving development regulations in the GU district, and by a vote of 6-0 (1 member absent) recommended that the City Commission not adopt the proposed ordinance.

At the request of the Administration, the Planning Board reconsidered the proposed ordinance at the September 30, 2003 meeting, and made the following motion: Recommend the amendment to Section 142-368 to grant to the City Commission the power by a 5/7ths vote solely to waive for the New World Symphony the parking requirements that otherwise would be applicable in the Land Development Regulations, so long as the City Commission simultaneously commits to provide the spaces that would otherwise be required, in a new parking facility within 1200 feet. The Board also stated that they feel very strongly that no other aspect of the Land Development Regulations should be modified until there is a fully designed project presented.

The motion was approved by a vote 5-0 (2 members absent).

CITY COMMISSION ACTION

At the December 10, 2003 meeting, the City Commission held a Public Hearing and approved the Ordinance on first reading (6-1) amending Section 142-368 – last sentence “...or cultural organizations with 501C (3) designation under the U. S. Internal Revenue Code as set forth herein.”

At the January 14, 2004 meeting the Commission voted 4-2 at the Second Reading and Second Public Hearing. As this ordinance is an amendment to the Land Development Regulations of the City Code, a 5/7ths vote of the Commission is required to adopt the ordinance, therefore the motion to adopt failed.

A request has been made by Commissioner Gross to bring the ordinance back to the Commission for first reading.

CONCLUSION

Pursuant to Section 118-164(3)A of the City Code, when a request to amend these Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the City.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, as provided in City Code Sections 142-361 and -362, the purpose of the CCC District is for "the facilities necessary to support the convention center," and the district allows as main permitted uses: "parking lots, garages, performing arts and cultural facilities; hotel; merchandise mart; commercial or office development; landscape open space; parks, [and] any use not listed above shall only be approved after the City Commission holds a public hearing"; and

WHEREAS, the regulations that exist in the CCC, Civic and Convention Center district do not parallel those in the GU, Government Use district, although the properties within both districts are government-owned or leased; and

WHEREAS, in order to create consistency in the City Code relative to regulations for government-owned or leased properties it is necessary to amend the CCC regulations in the Code; and

WHEREAS, the proposed amendments will achieve consistency between the GU and CCC districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That Chapter 142, Zoning Districts and Regulations, Division 7, CCC Civic and Convention Center District, Section 142-367, Notice of public hearing; vote, is hereby amended as follows:

Sec. 142-367. Notice of public hearing; vote.

When a public hearing is required before the City Commission, either to approve a use not listed in section 142-362, or to waive development regulations, the public notice shall be advertised in a newspaper of general paid circulation in the community city at least fifteen (15) days prior to the hearing. ~~Thirty~~ Fifteen days prior to the public hearing date, both a description of the request, and the time and place of such hearing shall be posted on the property; notice shall also be given by mail to the owners of land lying within 375 feet of the property and the advertisement shall be placed in the newspaper. A five-sevenths vote of the City Commission is required to approve a use or waiver that is considered under this ~~subsection~~ regulation.

Section 2. That Sections 142-368 – 142-390. Reserved, is hereby amended as follows:

Sec. 142-368. Waivers.

Following a public hearing, the development regulations required by these Land Development Regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the City Commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no CCC property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of CCC property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the City Commission. All such private or joint government/private uses are allowed to apply for any permitted variances. Private or joint government/private uses shall not be eligible to waive any regulations as described in this paragraph, except for not-for-profit, educational, or cultural organizations with 501C (3) designation under the U.S. Internal Revenue Code as set forth herein.

Secs. 142-369 368– 142-390 Reserved.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED and **ADOPTED** this ____ day of _____, 2003.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 12-17-03

City Attorney Date

First Reading: December 10, 2003
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, February 25, 2004, at 10:30 a.m.**, to consider the following:

AN ORDINANCE AMENDING CHAPTER 142 "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE, DIVISION 7, CCC CIVIC AND CONVENTION CENTER DISTRICT, OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS; OR FOR CONVENTION CENTER HOTELS; OR CONVENTION CENTER HOTEL ACCESSORY GARAGES; OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS, PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

**Robert E. Parcher, City Clerk
City of Miami Beach**

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0244)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

Second Reading Public Hearing - Proposed Designation of the North Beach Resort Historic District

Issue:

The Administration is requesting that the Mayor and City Commission consider the proposed designation of the North Beach Resort Historic District.

Item Summary/Recommendation:

Adopt the proposed amending ordinance on second reading public hearing by designating the North Beach Resort Historic District with the modified boundaries adopted by the City Commission on January 14, 2004. Alternatively, the Mayor and City Commission may wish to continue the second reading public hearing of the ordinance to the March 17, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district on second reading public hearing at the same meeting.

It is important to note that zoning-in-progress for the review of major additions and alterations as well as new construction for any property within the proposed historic district by the Historic Preservation Board will expire 90 days after the Planning Board's recommendation. The review of these projects would then revert to the Design Review Board on March 2, 2004. However, the zoning-in-progress for the review of demolition for any property within the proposed historic district by the Historic Preservation Board would remain in place until final action is taken by the Mayor and City Commission.

Advisory Board Recommendation:

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with modifications.

On December 2, 2003, the Planning Board approved a motion (5 to 0; 2 absences) to recommend approval of the North Beach Resort Historic District with modifications to the boundaries as suggested by the Planning Department staff.

On December 10, 2003, the Mayor and City Commission adopted a resolution to schedule a first reading public hearing on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District.

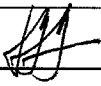

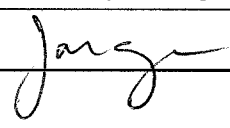
On January 14, 2004, the Mayor and City Commission approved the designation (6 to 1) of the North Beach Resort Historic District with modifications to the boundaries on first reading public hearing and scheduled the second reading public hearing for February 4, 2004.

On February 4, 2004, the Mayor and City Commission approved a motion (4 to 0; 3 absences) to continue the second reading public hearing of the North Beach Resort Historic District until the February 25, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district at the same public hearing.

City Clerk's Office Legislative Tracking:

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM

R5B

DATE

2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: SECOND READING PUBLIC HEARING – HISTORIC DESIGNATION

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION"; AMENDING SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTER LINE OF 71ST STREET TO THE NORTH, THE CENTER LINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE AND 6300 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN TO THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH BEACH RESORT HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the proposed amending ordinance on second reading public hearing by designating the North Beach Resort Historic District with the modified boundaries adopted by the City Commission on January 14, 2004. Alternatively, the Mayor and City Commission may wish to continue the second reading public hearing of the ordinance to the March 17, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district on second reading public hearing at the same meeting.

It is important to note that zoning-in-progress for the review of major additions and alterations as well as new construction for any property within the proposed historic district by the Historic Preservation Board will expire 90 days after the Planning Board's recommendation. The review of these projects would then revert to the Design Review Board on March 2, 2004. However, the zoning-in-progress for the review of demolition for any property within the proposed historic district by the Historic Preservation Board would remain in place until final action is taken by the Mayor and City Commission.

BACKGROUND

On May 4, 1998, the Historic Preservation Board directed staff to proceed with research and prepare a preliminary evaluation and recommendation relative to identifying and proposing historic designation protection to areas, sites, and structures along the Collins Avenue corridor north of the National Register Historic District. The Planning Department has intensively researched the areas along the Collins Avenue corridor, including Indian Creek Drive, Harding Avenue, and the cross streets from 22nd Street to 87th Terrace, as well as the Lake Pancoast multi-family residential neighborhood due west of the lake; staff developed six volumes of historical documentation.

On January 31, 2001, the City Commission unanimously approved the designation (7 to 0) of the Collins Waterfront Historic District. A major portion of the Collins Avenue corridor is included in this historic district, which extends from 22nd Street to the new relocated center line of 44th Street.

In October and December of 2001, the Planning Department received three separate letters of request from Randall Robinson, member of the Historic Preservation Board; Michael Kinerk, Chairman of the Miami Design Preservation League; and Leonard Wien, Chairman of the Urban Arts Committee; to place an item on the agenda of the Historic Preservation Board at their next available meeting. This item of request was for the Historic Preservation Board to consider directing the Planning Department to prepare a preliminary evaluation and recommendation report relative to the possible designation of a portion of Collins Avenue, generally from 6084 Collins Avenue to the center line of 72nd Street, as a local historic district.

On December 11, 2001, the Historic Preservation Board unanimously approved a motion (7 to 0) to direct the Planning Department to proceed with research and prepare a preliminary evaluation report with recommendations regarding the possible designation of this new historic district. Further, the Board modified the boundaries of the proposed historic district because it was believed that preservation protection in North Beach might best be conducted in a series of phases. These phases would be prioritized according to those areas which contain significant concentrations of historic buildings and possess a threat of demolition. The proposed historic district is the second phase of the expanded preservation protection process along the Collins Avenue corridor and the first phase in North Beach.

Following the December 11, 2001, meeting, staff identified that the Harding Hotel, located at 210-63rd Street (also known as 6077 Indian Creek Drive), was inadvertently omitted from the boundaries of the proposed historic district in the notice of public hearing. A revised public notice was then distributed which clearly showed the possible inclusion of the Harding Hotel within the boundaries of the proposed historic district. At its February 12, 2002, meeting, the Historic Preservation Board approved a motion (6 to 1) to include the Harding Hotel within the boundaries of the proposed historic district.

The proposed historic district (as represented in the preliminary evaluation and recommendation report) is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of 71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue, 6300 Collins Avenue, 6490 to 6498 Collins Avenue, and 6574 to 6650 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east.

On February 12, 2002, the Historic Preservation Board reviewed the preliminary evaluation and recommendation report prepared by the staff of the Planning Department regarding the designation of the proposed North Shore Resort Historic District, and they found the structures and sites located

within the boundaries of the proposed historic district to be in compliance with the criteria for designation listed in Sections 118-591 through 118-593 in the Land Development Regulations of the City Code. The Board unanimously approved a motion (7 to 0) to direct staff to prepare a designation report and schedule a public hearing relative to the designation of this new historic district. At the same meeting, the Board approved a motion (7 to 0) to change the name of the proposed district from the North Shore Resort Historic District to the North Beach Resort Historic District. This amendment was made in response to the North Beach Development Corporation, who requested that the district name be revised in order for it to be consistent with their strategic plan of neighborhood identities in North Beach.

On April 17, 2002, the Planning Department hosted a courtesy public workshop at the Shane Watersports Center at 6500 Indian Creek Drive. The focus of the community workshop was to discuss the possible historic designation of the proposed North Beach Resort Historic District. Approximately 40 persons were in attendance at the meeting. A City Commissioner and two members of the Historic Preservation Board were also present to observe the public workshop. A presentation was made by the Planning Department, which included: a description of the boundaries of the proposed historic district, an overview of the historic designation process, the historical and architectural background of the proposed historic district, the effects of historic designation on the individual property owner, and an overview of the role of historic preservation in the economic and architectural revitalization of North Beach.

Following the presentation, staff conducted a public question and answer discussion session in order for local citizens to express their views and relay their concerns prior to the historic designation hearing of the Historic Preservation Board on April 24, 2002. Serious concerns were raised by local citizens about the pending designation of the North Beach Resort Historic District. Several issues expressed at the public workshop included the following: the current conditions and general quality of the architecture of the buildings within the proposed historic district; whether much of the existing construction has exceeded its functional usefulness and should be replaced with modern structures that meet today's Florida Building Code and programmatic requirements; the inclusion of the 63rd Street flyover as a contributing mid-20th century engineering structure in the proposed historic district; more regulatory flexibility in addressing modern business and technical needs; and the potential development of a companion ordinance to address special conditions in this area, such as the need for on-site and off-site parking, the introduction of oceanfront balconies, and the construction of rooftop additions more than one story in height. Additional comments and concerns expressed at the public workshop that were not specifically related to the historic designation evaluation criteria included: the removal of the 63rd Street flyover and the reconstruction of the 63rd Street and Collins Avenue intersection; traffic congestion and the limited availability of parking in the area; a desire for a decrease in hotel and entertainment uses in the area and an increase in residential uses; the possible hindrance of economic development in the area due to historic designation; and the need for the development of a master plan for North Beach that includes an analysis relative to the possible historic designation of the area.

On April 24, 2002, the Historic Preservation Board discussed the possible designation of the North Beach Resort Historic District with staff, individual property owners, and other interested members of the public. In light of the significant concerns expressed at the April 17, 2002, courtesy public workshop, the Board approved a motion to continue the designation public hearing of the proposed North Beach Resort Historic District until a later date.

On February 11, 2003, the Historic Preservation Board approved a motion to extend by six months the time frame for the Planning Department to continue its research and complete the designation report for the proposed North Beach Resort Historic District. Under advice from legal counsel, this

extension of time was formally ratified by the Board at its March 11, 2003, meeting following a courtesy notice of public hearing.

On August 4, 2003, the Planning Department hosted a second courtesy public workshop in the First Floor Conference Room at City Hall. There were approximately 28 persons in attendance at the meeting, including property owners, staff, and other interested parties. Following the presentation of the proposed historic district by staff, there was a public question and answer discussion.

The following comments and concerns were expressed at the second courtesy public workshop: the amount of available FAR and the development potential for the contributing property sites in the proposed historic district; the possible negative effects from potential and previously approved development projects in the area on concurrency management, emergency evacuation procedures, and the general quality of life; the impact on the availability of affordable housing with the recent trend toward demolition of older buildings and the construction of new upscale, less affordable condominium buildings; the potential removal of the 63rd Street flyover and reconstruction of a 63rd Street and Collins Avenue grade-level intersection; traffic congestion and the limited availability of parking in the area; the inclusion of certain buildings in the proposed historic district, such as the Monte Carlo and Carillon Hotels, may prolong their current poor conditions; the amount of flexibility for alterations to contributing buildings on their elevations facing the street versus the oceanfront; and a request for the designation of additional historic districts in North Beach to preserve the area's special architectural character. Overall, there appeared to be a consensus of general support for the designation of the proposed North Beach Resort Historic District at this second courtesy public workshop. No strong objections were presented against designation.

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with two modifications. First, the district boundaries were modified to exclude the Forde Ocean Apartments at 6605 Collins Avenue and the Broadwater Beach Apartments at 6490-6498 Collins Avenue. Second, the contributing properties located on the west side of Collins Avenue from the Rowe Motel at 6574-6600 Collins Avenue north to the center line of 67th Street were reclassified. These properties retained contributing status for the first (easternmost) 20 feet of their respective sites; however, the remaining portions of the properties to the west were changed to noncontributing. (See attached **Map 1A** for historic district boundaries as recommended by the Historic Preservation Board on August 12, 2003.)

At the same meeting, the Historic Preservation Board expressed its agreement with staff that significant flexibility be retained in the development regulations for the proposed North Beach Resort Historic District in order to permit the type of quality redevelopment necessary to stimulate the economic growth of the area. The Board approved the preparation of a companion ordinance amendment for rooftop additions in the district for presentation to the Planning Board and City Commission along with the designation report. Currently, the Land Development Regulations of the City Code would only permit certain existing buildings in the district a one story rooftop addition with a maximum floor to ceiling height of 12 feet.

On November 12, 2003, the Planning Department presented the proposed rooftop addition companion ordinance to the Historic Preservation Board for discussion purposes along with the amended Special Review Guidelines in the North Beach Resort Historic District Designation Report (see **Section XI**). The Board expressed no concerns. On December 9, 2003, the Board approved separate motions (6 to 0; 1 absence) to recommend approval of the proposed rooftop addition companion ordinance as well as the amended Special Review Guidelines for the district. The proposed ordinance amendment, as recommended by the Historic Preservation Board, would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories to have a

two story rooftop addition with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories may only be placed on that portion of the underlying structure creating the eligibility for an addition. Existing buildings of five stories or less may not have more than a one story rooftop addition.

On December 2, 2003, the Planning Board approved a motion (5 to 0; 2 absence) to recommend approval of the North Beach Resort Historic District with modifications to the district boundaries as suggested by the Planning Department. In accordance with these modifications, the contributing properties which would be excluded from the district boundaries are the following: the Stephen Foster Apartment Hotel (now the Lombardy Inn) at 6300 Collins Avenue, the Rowe Motel at 6600 Collins Avenue, the commercial buildings from 6606 to 6650 Collins Avenue, and the Normandy Plaza Hotel at 6979 Collins Avenue. At the same meeting, the Board continued the proposed rooftop addition companion ordinance for the district to the January 27, 2004, meeting due to the loss of a quorum. (See attached **Map 1B** for historic district boundaries as recommended by the Planning Board on December 2, 2003.)

On January 14, 2004, the Mayor and City Commission approved the designation (6 to 1) of the North Beach Resort Historic District with modifications to the boundaries on first reading public hearing and scheduled the second reading public hearing for February 4, 2004. The district boundaries recommended by the Historic Preservation Board on August 12, 2003, were modified to exclude the Rowe Motel and adjacent commercial buildings from 6574 Collins Avenue to 6650 Collins Avenue. The proposed historic district, as adopted by the City Commission, is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of 71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue and 6300 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue). (Refer to attached **Map 1C** for historic district boundaries adopted by the City Commission on January 14, 2004.)

On January 27, 2004, the Planning Board approved a motion (5 to 1; 1 absence) to recommend approval of the companion ordinance amendment for rooftop additions in the proposed North Beach Resort Historic District with modifications. The proposed ordinance amendment, as recommended by the Planning Board, would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories in height to have a one story rooftop addition with a maximum floor to ceiling height of 16 feet. The rooftop addition may be placed in its entirety only atop the portion of the structure that is six stories or greater.

On February 4, 2004, the Mayor and City Commission approved a motion (4 to 0; 3 absence) to continue the second reading public hearing of the North Beach Resort Historic District until the February 25, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district at the same public hearing.

DESIGNATION PROCESS

The designation report for a proposed historic district is required to be presented to the Historic Preservation Board and the Planning Board at separate public hearings. Following public input, the Historic Preservation Board votes on whether or not the proposed historic district meets the criteria listed in the Land Development Regulations of the City Code and transmits a recommendation on historic designation to the Planning Board and City Commission. If the Historic Preservation Board votes against the designation, no further action is required. If the Historic Preservation Board votes in favor of designation, the Planning Board reviews the designation report and formulates its own

recommendation. The recommendations of both Boards, along with the designation report, are presented to the City Commission. Because in this instance the proposed ordinance involves an area of ten (10) contiguous acres or more, the City Commission must hold two (2) public hearings on the designation. Upon conclusion of the second hearing, the City Commission can immediately adopt the ordinance with a 5/7 majority vote.

RELATION TO ORDINANCE CRITERIA

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
 - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as Historic Buildings, Historic Structures, Historic Improvements, Historic Landscape Features, Historic Interiors (architecturally significant public portions only), Historic Sites or Historic Districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the City of Miami Beach, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
 - (1) Association with events that have made a significant contribution to the history of Miami Beach, the county, state or nation;
 - (2) Association with the lives of Persons significant in our past history;
 - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
 - (4) Possesses high artistic values;
 - (5) Represent the work of a master; serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - (6) Have yielded, or are likely to yield, information important in pre-history or history;
 - (7) Listed in the National Register of Historic Places;
 - (8) Consist of a geographically definable area that possesses a significant concentration of Sites, Buildings or Structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
 - (b) A Building, Structure (including the public portions of the interior), Improvement or Landscape Feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

2. The proposed North Beach Resort Historic District is eligible for designation as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.

(a) Staff finds the proposed historic district to be eligible for historic designation and in conformance with the designation criteria for the following reasons:

- (1) Association with events that have made a significant contribution to the history of Miami Beach, the county, state or nation;

Following World War II, there were large tracts of land in this area of North Beach that still remained undeveloped; they were the perfect sites for new, glamorous resort hotels that were now in popular demand. The booming post war economy as well as the retooling of America's war plants to peacetime industries gave a growing middle class more leisure time, expendable income, and affordable automobiles; these factors brought a flood of tourists to Miami Beach. Other new technologies (such as air conditioning, advanced structural systems, highly developed glass and glass framing components, and the increasingly sophisticated use of aluminum as a building material) gave rise to a new type of architecture, known today as Post War Modern or more recently dubbed locally Miami Modern ("MiMo"). A great majority of the structures located within the proposed North Beach Resort Historic District were constructed following World War II in this style of architecture.

The large, Post War Modern resort hotels fronting on the Atlantic Ocean were designed to accommodate a dramatically increased volume of guests and provide luxury services in an exotic style. These resort hotels usually featured grand lobbies, cocktail lounges, supper clubs, a variety of thematic restaurants, ballrooms, banquet halls, meeting rooms, retail shops, enormous swimming pools, extensive sundecks, solariums, and a sweeping array of highly popular private beach cabanas. The new American plan, resort hotel filled the large tracts of undeveloped oceanfront land to provide everything for a total guest experience without the need to leave the hotel for the duration of the visitor's stay.

Several of these resort hotels sought to play a significant role in the booming entertainment industry. They offered the finest in live entertainment to draw their guests as well as local residents and the guests of other hotels. The new Deauville Hotel, in particular, became a magnet for major entertainment artists and events. On February 16, 1964, Ed Sullivan hosted the Beatles in a live telecast via satellite from the Napoleon Room of the Deauville Hotel on his widely watched evening television show. This show broadcast was the second appearance of the Beatles on the Ed Sullivan Show, and it provided abundant free publicity of Miami Beach as a major tourism and entertainment destination. (The Beatles made their American debut on the Ed Sullivan Show in the CBS television studio in New York City on February 9, 1964.) The new Deauville Hotel was a favored venue for many notable entertainers of the 1950s and 1960s, including Frank Sinatra, Sammy Davis, Jr., Dean Martin, Joey Bishop, Tony Bennett, Bing Crosby, Judy Garland, Sophie Tucker, Henny Youngman, Milton Berle, and Jerry Lewis. Other post war resort hotels that provided a meaningful role in the entertainment history of Miami Beach were the Carillon,

Casablanca, Sherry Frontenac, and Monte Carlo Hotels (all located within the proposed historic district) as well as the famous Fontainebleau and Eden Roc Hotels to the south.

(2) Association with the lives of Persons significant in our past history:

The proposed historic district is associated with several of the more important real estate developers in the history of Miami Beach, including Frank Osborn, Henri Levy, and Carl Fisher.

Frank Osborn accompanied his father Ezra to Miami Beach to participate in the coconut planting project of 1882. New Jersey investors Ezra Osborn, Elnathan Field, and Henry Lum purchased approximately 60 miles of oceanfront land from Key Biscayne to Jupiter, Florida. A mobile work crew planted this land with over 300,000 coconuts imported from the Caribbean. The first camp site for the coconut planting operations was located in the area of today's Lummus Park; subsequent camp sites were positioned at the Biscayne House of Refuge (near present day 72nd Street in North Beach) and then the Ft. Lauderdale House of Refuge (about nine miles south of the Hillsboro Inlet). Frank Osborn was a member of the coconut planting crew. Although the project did not succeed commercially, it was the first attempt at development of the beach and it led to other more successful endeavors aimed at the popularization of tourism on what would become the "Million Dollar Sandbar."

Nearly 40 years later, Frank Osborn developed the Atlantic Heights Subdivision in 1919. (A portion of this subdivision is included within the proposed historic district.) This 671-foot-wide tract extended from the Atlantic Ocean to Indian Creek and was centered at present-day 69th Street.

Henri Levy (1883-1938) was a Jewish immigrant from France who created a successful chain of movie theaters in Cincinnati. He moved his family to Miami Beach in 1922. Levy filed the Normandy Beach South Subdivision in 1925. (A portion of this subdivision is included within the proposed historic district.) It lay between Osborn's Atlantic Heights Subdivision at 69th Street and the Government Tract north of 72nd Street. Levy was also the developer of the Normandy Beach Subdivision in Surfside (between 87th Terrace and 90th Street), Normandy Isle, and the Isle of Biscaya. In addition, Levy was instrumental in the construction of the 79th Street Causeway in 1929 to link Miami and the popular Hialeah Race Track to his developments.

Carl Fisher (1874-1939) was a high-living industrialist from Indiana who made a fortune with Prest-O-Lite automobile head lamps and built the Indianapolis Speedway. Fisher was also instrumental in the construction of the Coast-to-Coast Rock Highway (today's Lincoln Highway) as well as the Dixie Highway (a major north to south roadway across the United States).

Fisher was one of the principal developers and promoters of Miami Beach. In a short amount of time, Fisher transformed the barrier island east of Miami into a playground for millionaires based on a genius for marketing that eclipsed his colleagues in land sales and development of Miami Beach. One of his many accomplishments in Miami Beach was the filing of the Second Ocean Front

Subdivision in 1924. (A large portion of this subdivision is included within the proposed historic district.) It extended from 5650 Collins Avenue up to Osborn's Atlantic Heights Subdivision at 69th Street.

- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;

Exemplary buildings of three distinct Miami Beach architectural movements have been identified in the proposed North Beach Resort Historic District. (Refer to **Section IX** in the Designation Report for more detailed architectural descriptions.) They include the following:

Art Deco/Streamline Moderne: The now classic Art Deco and Streamline Moderne styles of the 1930s were made world famous by the designation of the Miami Beach Architectural District in the National Register of Historic Places, largely south of 15th Street, in 1979. The Normandy Plaza Hotel at 6979 Collins Avenue is a fine example of the Art Deco style in the proposed North Beach Resort Historic District.

Neoclassical Revival: Buildings of this style in Miami Beach were typically inspired from the second phase of this architectural movement (about 1925 to 1950). They commonly featured Classically-inspired design elements as the entry focal points of their otherwise simple architectural designs. Excellent examples of the Neoclassical Revival style within the proposed historic district are the Mt. Vernon Hotel at 6084 Collins Avenue, the Monticello Hotel (now the Harding) at 210 63rd Street, and the Stephen Foster Apartment Hotel (today's Lombardy Inn) at 6300 Collins Avenue.

Post War Modern: The Post War Modern style, generally dating from 1945 to 1965, has come of age as a contributing historical style in Miami Beach. It is now enjoying a greatly expanded appreciation both here as well as in other cities across the nation, including New York, Los Angeles, and Miami. Strong evidence of this phenomenon was the exhibit in New York City (March 13 - May 8, 2002) entitled, "Beyond the Box: Mid-Century Modern Architecture in Miami and New York." This dynamic exhibit was located in the galleries of the Municipal Art Society of New York (who is credited with saving New York's Grand Central Terminal from demolition in the 1960s as well as dozens of other historic structures since 1897).

After a hiatus in construction due to World War II, Post War Modern picked up where Art Deco left off with the added influences of a booming post war economy, new technologies (such as air conditioning), the prevalence of the redesigned automobile, and a feeling of national optimism. The local expression of this style has recently been dubbed Miami Modern or "MiMo" by the Greater Metropolitan Miami area's Urban Arts Committee (who also co-presented the New York exhibit with the Municipal Art Society of New York). Prime examples of this style in the proposed historic district are the Allison Hotel (now the Comfort Inn) at 6261 Collins Avenue, the Casablanca Hotel at 6345 Collins Avenue, the Monte Carlo Hotel at 6551 Collins Avenue, the Sherry Frontenac Hotel at 6565 Collins Avenue, the Deauville Hotel (today's Radisson Deauville) at 6701 Collins Avenue, and the Carillon Hotel at 6801 Collins Avenue.

(4) Possesses high artistic values;

Attesting to the quality of design and high artistic values in this historic district is the recognition of several of its buildings in noteworthy architectural journals and promotional literature of the time. Florida Architecture featured the Sherry Frontenac Hotel, designed by Henry Hohauser at 6565 Collins Avenue, in its 1949 issue as well as the new Deauville Hotel, designed by Melvin Grossman at 6701 Collins Avenue, in its 1958-1959 publication.

(5) Represent the work of a master; serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

Many of the more prominent Miami Beach architects are represented in the proposed North Beach Resort Historic District, as indicated below. For a complete listing of addresses and architects, refer to the Properties List in **Appendix I** of the Designation Report.

Albert Anis was a master local architect who designed numerous buildings in Miami Beach. Outstanding examples of his work include the Leslie, Winterhaven, Sagamore, and Arlington (today's Savoy) Hotels as well as the commercial building at 420 Lincoln Road. In the proposed historic district, Anis designed the major southern addition to the Monte Carlo Hotel in 1951 and the Brazil Hotel in 1953.

Joseph J. DeBrita and A. Kononoff designed the Mount Vernon Hotel and the Monticello Hotel (now the Harding) in 1946; both structures are located within the proposed historic district. DeBrita is also noted for designing the Coral Reef, Walburne (now Villa Luisa), and Dorset Hotels, all contributing buildings in other Miami Beach historic districts.

L. Murray Dixon was one of Miami Beach's most prolific architects, whose works include the Tiffany, Tudor, Marlin, Ritz Plaza, and Raleigh Hotels. In the proposed historic district, Dixon designed the Normandy Plaza Hotel in 1936.

Roy France was a prolific architect in the Art Deco/Streamline Moderne and Post War Modern styles. Notable examples of his work include the National, St. Moritz, Sans Souci (with Morris Lapidus), Saxony, Sea Isle (now Palm Resort), and Cadillac Hotels. Within the proposed historic district, France designed the original northern portion of the Monte Carlo Hotel in 1948 and the Casablanca Hotel in 1950.

Norman Giller, who contributed so much to Miami Beach's Post War Modern architecture, has two buildings in the proposed historic district: the Bombay Hotel (now the Golden Sands) in 1951 and the Carillon Hotel in 1957. He also designed the Giller Building on 41st Street, the band shell in North Shore Park, and numerous motels in Sunny Isles.

Melvin Grossman, a prolific architect in the Post War Modern style, designed the Richmond, Di Lido (with Morris Lapidus), Seville, Doral (now Westin), and Barcelona (today's Sheraton Four Points) Hotels. Within the proposed historic district, Grossman was the architect of the new Deauville Hotel in 1958 and the associate architect of the major southern addition to the Monte Carlo Hotel in 1951. (The principal architect of the 1951 addition to the Monte Carlo Hotel was Albert Anis.)

Henry Hohauser was a master local architect who designed many notable structures from the 1930s to the 1950s. Outstanding examples of his work include the Century, Congress, Colony, Edison, Park Central, and Cardozo Hotels as well as Hoffman's Cafeteria. Within the proposed historic district, Hohauser designed the Sherry Frontenac Hotel in 1947.

A. Herbert Mathes was the architect of the Allison Hotel (now the Comfort Inn) in 1951, located within the proposed historic district. Other examples of his work in Miami Beach include the Geneva, Parisian, and Continental Hotels as well as the Golden Gate Apartments.

J. Richard Ogden designed the Stephen Foster Apartment Hotel (today's Lombardy Inn) in 1947, located within the proposed historic district. Examples of his work outside the historic district include Temple Ner Tamid and several fine residences on Pinetree Drive.

- (6) Have yielded, or are likely to yield, information important in pre-history or history;

The proposed North Beach Resort Historic District is significant for its built environment and its association with the architectural and cultural history of Miami Beach. It possesses an array of architectural styles that collectively trace the historical progression of architectural design and construction in North Beach from the 1930s until the present. In particular, the Post War Modern style ("MiMo") reflects the spirit of the post-World War II era. This neighborhood, which was a largely uninhabited area with only a few prominent structures and a handful of bungalows, developed into a major tourist and entertainment attraction with large, luxurious resort hotels fronting the Atlantic Ocean.

- (7) Listed in the National Register of Historic Places;

Although this area is not presently listed in the National Register of Historic Places, it clearly appears eligible for registration.

- (8) Consist of a geographically definable area that possesses a significant concentration of Sites, Buildings or Structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.

The proposed North Beach Resort Historic District is a clearly-delineated geographic entity that is united by its oceanfront resort architecture and setting. While there are three distinct architectural styles represented in the proposed historic district, the Post War Modern style defines and dominates the overriding architectural character of the area and creates its own uniqueness in Miami Beach, especially with its grand hotels. The low-scale hotel structures make their own intimate design contribution to the special character of the proposed historic district.

Historically, the area was annexed into the City of Miami Beach in 1924, and it is comprised of portions of Frank Osborn's Atlantic Heights Subdivision (platted in 1919), Carl Fisher's Second Ocean Front Subdivision (platted in 1924), and Henri Levy's Normandy Beach South Subdivision (platted in 1925). Collins Avenue, the very spinal cord of the City, runs through the center of the proposed historic district. It was named for Miami Beach's earliest and most illustrious

pioneer, John Collins. The Atlantic Ocean defines the eastern border of the proposed historic district.

The proposed historic district consists of mostly hotels. Construction dates for the 20 buildings range from 1936 to the present, with a vast majority post-World War II. Distributed by decade of construction, they number:

1930s	1	
1940s	5	
1950s	7	
1960s	2	
1970s	1	
post-1979	4	Total Buildings 20

Staff has determined that 12 of these buildings, or 60 percent, are "contributing" on the basis of the established criteria for historic district designation. Of the 12 contributing structures, six are very large buildings ranging in height from seven to 14 stories on expansive development sites. These grand hotels have a major visual impact on the Collins Avenue corridor and indeed define the special character of this unique mid-century historic district.

- (b) A Building, Structure (including the public portions of the interior), Improvement or Landscape Feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

Although a few of the buildings within the proposed North Beach Resort Historic District have been altered to various extents over the years, these structures retain a major amount of their original architectural design integrity and contribute to the special character of the neighborhood in a variety of scales and uses. Exterior restoration could be successfully completed by following original architectural plans and available historical photographs and/or documentation. Despite existing alterations to these structures, they continue to be highly representative of the rich architectural and cultural history of Miami Beach.

ANALYSIS OF THE AMENDING ORDINANCE

In reviewing a request for an amendment to the Land Development Regulations of the City Code or a change in land use, the Planning Board shall consider the following:

1. Whether the proposed change is consistent and compatible with the Comprehensive Plan and any applicable neighborhood or Redevelopment Plans;

Consistent -The proposed designation is consistent with the Comprehensive Plan, specifically with the Historic Preservation Element of the Comprehensive Plan's Objective No. 1 which, in part, states: "...increase the total number of structures designated as historically significant from that number of structures designated in 1988, either individually or as a contributing structure within a National Register Historic Preservation District or a local Historic Preservation District."

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts;

Consistent -The amendment would not change the underlying zoning district for any areas within the City.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the City;

Consistent -The designation of the area as a local historic district would help to encourage redevelopment and rehabilitation that is compatible with the scale, characteristics, and needs of the surrounding neighborhood and help to preserve the special architectural character of the historic resort environment.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure;

Consistent -The LOS for the area public facilities and infrastructure should not be negatively affected, if at all, by the proposed amending ordinance.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

Consistent -The proposed North Beach Resort Historic District is a clearly-delineated geographic entity that is united by its oceanfront resort architecture and setting. While there are three distinct architectural styles represented in the proposed historic district, the Post War Modern style defines and dominates the overriding architectural character of the area and creates its own uniqueness in Miami Beach, especially with its grand hotels. The low-scale hotel structures make their own intimate design contribution to the special character of the proposed historic district.

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6. Whether changed or changing conditions make the passage of the proposed change necessary;

Consistent -The success of historic preservation in the ongoing revitalization of Miami Beach supports the protection of the proposed historic district. Past demolition of historic structures demonstrates the necessity of this amendment to maintain the historical integrity of the area.

7. Whether the proposed change will adversely influence living conditions in the neighborhood;

Consistent -The proposed change should not negatively affect living conditions or the Quality of Life for the surrounding properties. Indeed, the quality of living conditions in designated historic areas has significantly improved since the City started designating historic sites and districts. The thousands of Design Review approvals (both substantial rehabilitation and minor improvements) within the existing historic districts demonstrate this principle.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the Level Of Service as set forth in the Comprehensive Plan or otherwise affect public safety;

Consistent -As designation does not change the permitted land uses, the levels of service set forth in the Comprehensive Plan will not be affected by designation. Likewise, public safety will not be affected.

9. Whether the proposed change will seriously reduce light and air to adjacent properties;

Consistent -If designation results in the retention of existing structures, there should be no reduction in light and air either on site or to adjacent properties.

10. Whether the proposed change will adversely affect property values in the adjacent area;

Consistent -As property values and value of construction have historically increased in the existing designated historic sites and districts, there is no evidence to suggest that designation would adversely affect property values in the area surrounding the proposed designation. To the contrary, the designation of the historic district should help to reinforce and promote continuous quality enhancement of the area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

Consistent -The proposed amendment will not change the development regulations for adjacent sites which must comply with their own site specific development regulations. Furthermore, the proposed ordinance should not affect the ability for an adjacent property to be developed in accordance with said regulations.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;

Consistent -The permitted land uses are not affected since the proposed amendment does not change the underlying zoning district for any property.

13. Whether it is impossible to find other adequate Sites in the City for the proposed Use in a district already permitting such Use;

Not Applicable -This review criteria is not applicable to this Zoning Ordinance amendment.

STAFF ANALYSIS

Possible Modifications to the Boundaries of the Proposed North Beach Resort Historic District.

The modified proposed historic district, as recommended by the Planning Board and Planning Department, has slightly different boundaries than recommended by the Historic Preservation Board. It is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the northern lot line of 6901 Collins Avenue to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue and 63rd Street to the west (including 6084 Collins Avenue and 210 63rd Street), and the

erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue). (Refer to attached **Map 1B** for modified historic district boundaries as recommended by the Planning Board.)

Rationale for Changes to the Proposed North Beach Resort Historic District and Its Boundaries.

Following the Courtesy Public Workshop on April 17, 2002, and the discussion with the Historic Preservation Board on April 24, 2002, the Planning Department set out to accomplish three (3) primary objectives before finalizing possible modifications to the proposed North Beach Resort Historic District and its proposed boundaries. The three objectives are as follows:

1. Consideration of Possible Modifications to the Proposed North Beach Resort Historic District in Light of Significant Issues Raised at the April 17, 2002, Courtesy Public Workshop.

These considerations include, but are not limited to, the following:

- a. reviewing the proposed boundaries of the historic district relative to whether they most accurately reflect the prime area and structures to be protected;
- b. further researching and analyzing the specific historical period of significance to be preserved, successfully interpreted, promoted, and protected for the benefit of generations of North Beach residents, guests, and users to come;
- c. further studying the specific nature, types, use, dates, and styles of structures and sites to be identified as contributing to the special historic character and future success of the proposed historic district; and
- d. ensuring the cohesive visual recognition of this collective body of historic structures and sites relative to their critical role and importance in defining and building once again upon one of the most delightful, remarkable, and economically successful development periods in Miami Beach history.

To this end, the Planning Department is recommending a reduction in the size of the proposed historic district boundaries (recommended by the Historic Preservation Board on August 12, 2003) as well as an adjustment to the total number of contributing buildings, in accordance with the conclusions provided below.

The focus in the designation of this unique historic district should be primarily on the oceanfront hotel structures that defined, activated, and perpetuated the acknowledged mystique and ongoing economic success of this ocean resort and entertainment island oasis built in North Beach shortly after World War II. This focus must include physical restoration, preservation, and adaptive reuse (if proposed) of these structures to make them economically competitive and further define and bring recognition to this special era in the history of North Beach. Doing so and promoting this should result in substantial city and regional benefits of historical education presented in a fun manner, quality of life improvements in and surrounding the historic district, expanded oceanfront recreational opportunities, and a significantly accelerated return of economic revitalization and stability to North Beach. This task will require careful attention to the historic structures and sites as well as to their upgrading and potential reasonable expansion to meet modern operational needs and uses.

The post World War II development period saw the rapid rise of a new magnitude and character of oceanside resorts and an entertainment style in Miami Beach that garnered international acclaim and participation in a small but clearly defined area of the City. Although closely associated with the development of the grand Fontainebleau and Eden Roc Hotels in Mid Beach

during this same era, the North Beach Resort Historic District occupies a place in time, physical eminence (when further restored), and a high level of urban oceanfront amenity. The proposed district and surrounding areas are complete with retail, commercial, restaurant, entertainment, and cultural avenues and fascinating historical sites to visit.

The Planning Department has subsequently concluded that the principal focus of this district should be specific to the post World War II hotel structures and sites along the ocean and the east end of 63rd Street that created, defined and perpetuated a unique social/economic phenomenon in North Beach during and beyond the mid-20th century. Hence, the boundaries, contributing structures, and sites within the modified district boundaries as recommended by the Planning Department have been adjusted accordingly.

2. *To Realistically and Appropriately Address Important Issues Which Will Impact Upon the Long Range Preservation Success and Economic Health of the Proposed North Beach Resort Historic District.*

The Planning Department has carefully evaluated each contributing structure and site to be located within the modified proposed historic district boundaries. This evaluation included:

- a. the design, size, architectural configuration, and general condition of each structure;
- b. its operational limitations with regard to on-site parking;
- c. potential unit key count as established by an evaluation of approximate remaining floor area for future development on each subject contributing site;
- d. the physical ability to add and/or enhance on-site parking as well as egress to that parking;
- e. the ability to add a new addition to the subject property in an appropriate manner which would not adversely impact upon the overall historic integrity and significance of the subject structure; to enable the historic structure to meet modern operational needs as well as to be viable in future hotel/residential competition in North Beach;
- f. the ability to add new oceanview balconies on contributing structures, including expanded window/door accessibility to the balconies;
- g. the creation of appropriate raised pool deck levels with parking or other common functions beneath which would benefit both the properties as well as the views of these properties from the beach;
- h. the potential for rooftop additions in excess of one story on certain structures, dependent upon certain conditions that would have to be established and met; and
- i. the potential for minimal or no adverse impact upon historic lobby and significant public interior spaces as well as the primary and character defining street façade and side elevations of these structures as seen from the public rights-of-way.

As a result of this analysis, the Planning Department has prepared Special Review Guidelines for the North Beach Resort Historic District, which are incorporated in **Section XI** in the Designation Report.

Staff has also developed an ordinance amendment to Section 142-1161(d) in the Land Development Regulations of the City Code by modifying the prohibition of rooftop additions of more than one story in height in the proposed North Beach Resort Historic District. The companion ordinance amendment may permit certain existing buildings of six or more stories to have a two story rooftop addition. Existing buildings of five stories or less may not have more than a one story rooftop addition. The companion ordinance amendment would provide an enhanced level of flexibility to renovate and adapt certain existing buildings in the historic district.

3. To Identify Strategies for Increasing the Supply of Off-Site Parking Available to Serve Historic Buildings.

Construction of new off-site parking within 1200 feet of the subject property should be encouraged by City policies and Land Development Regulations to serve historic structures in the proposed North Beach Resort Historic District.

Under the current City Code, designation of an historic district would make existing buildings exempt from parking requirements resulting from a change of use or renovation exceeding the 50% Rule. However, the addition of new floor area would require parking or payment into the Parking Impact Fund. Also, designation of an historic district would extend the maximum walking distance for off-site parking from 500 feet to 1200 feet, thereby providing more options for off-site parking locations.

In addition to these benefits in the existing City Code, the City should continue to actively explore the following policies:

- a. Utilize municipal parking revenue bonds and funds collected through parking impact fees to provide public off-street parking. Consider City-ownership and joint-development opportunities. The City has identified several potential sites within 1200 feet of the proposed North Beach Resort Historic District that are being studied by Walker Parking Consultants as part of Phase 2 of a citywide parking study.
- b. Encourage shared parking by adjacent owners in the historic district.

CITY COMMISSION ACTION

On January 14, 2004, the Mayor and City Commission approved the designation (6 to 1) of the North Beach Resort Historic District with modifications to the boundaries on first reading public hearing and scheduled the second reading public hearing for February 4, 2004. The district boundaries recommended by the Historic Preservation Board on August 12, 2003, were modified to exclude the Rowe Motel and adjacent commercial buildings from 6574 Collins Avenue to 6650 Collins Avenue. The proposed historic district, as adopted by the City Commission, is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of 71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue and 6300 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue) (refer to attached **Map 1C**).

On February 4, 2004, the Mayor and City Commission approved a motion (4 to 0; 3 absence) to continue the second reading public hearing of the North Beach Resort Historic District until the February 25, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district at the same public hearing.

CONCLUSION

The proposed designation of the North Beach Resort Historic District will showcase, promote, and protect the aesthetic, architectural, and historical importance of North Beach's most grand "MiMo" style, post war resort hotel area. It will also highlight a significant collection of smaller, more intimate

historic hotels in the Art Deco and Neoclassical Revival styles, including the Normandy Plaza, Mount Vernon, and Harding Hotels as well as the Lombardy Inn. Further, the Special Review Guidelines for the North Beach Resort Historic District will allow for more flexibility and assist in expediting the approval of alterations found to be appropriate by the Historic Preservation Board.

Local residents and visitors from around the world are seeking the very special historic urban resort character that this district of Miami Beach will preserve and enhance in the future. The designation of the North Beach Resort Historic District should sustain and expand the positive economic and social impact that preservation has had on the revitalization and quality of life in Miami Beach.

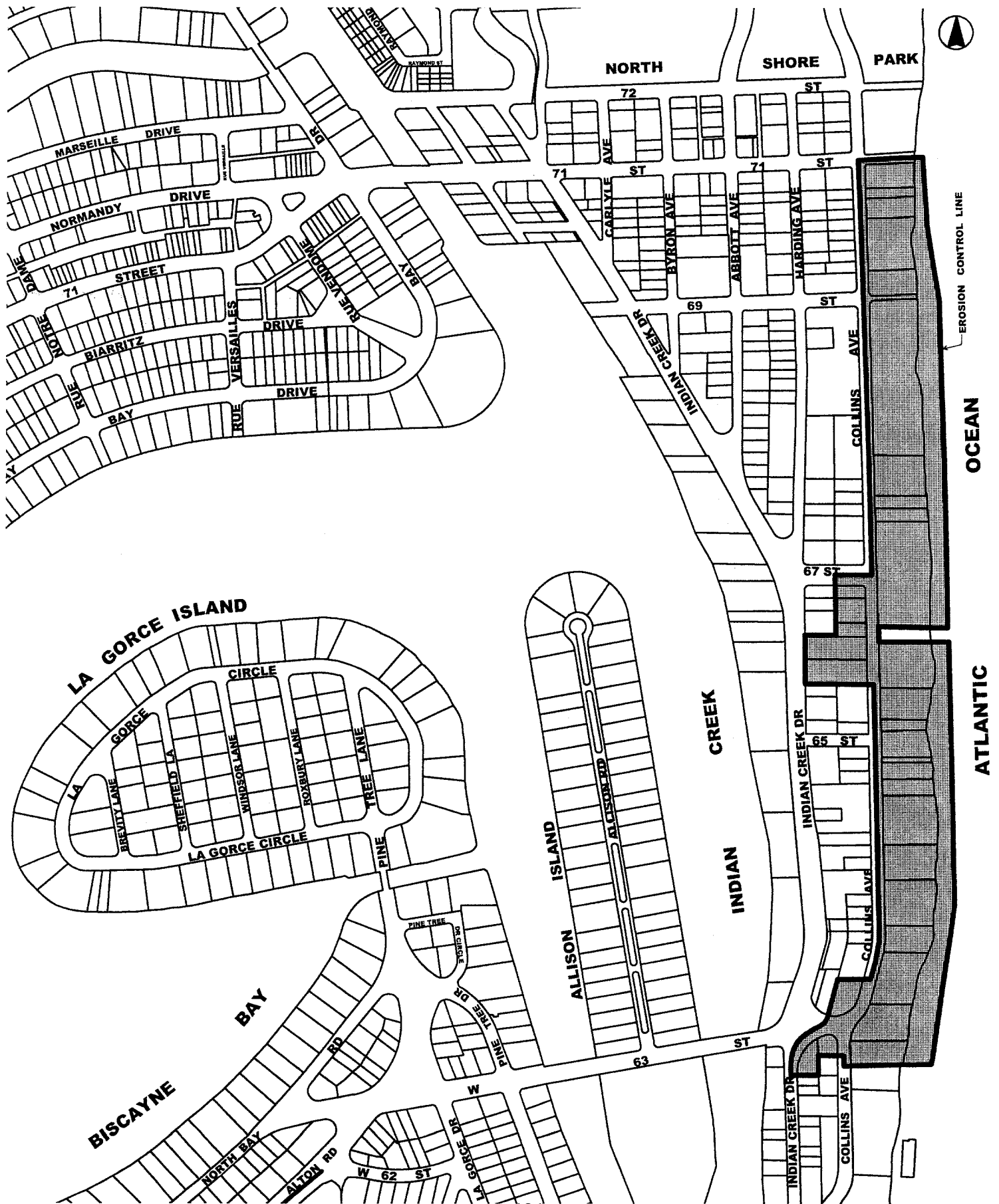
Therefore, the Administration recommends that the Mayor and City Commission adopt the proposed amending ordinance on second reading public hearing by designating the North Beach Resort Historic District with the modified boundaries adopted by the City Commission on January 14, 2004 (refer to attached **Map 1C**). Alternatively, the Mayor and City Commission may wish to continue the second reading public hearing of the ordinance to the March 17, 2004, meeting in order to consider the proposed rooftop addition companion ordinance for the district on second reading public hearing at the same meeting.

It is important to note that zoning-in-progress for the review of major additions and alterations as well as new construction for any property within the proposed historic district by the Historic Preservation Board will expire 90 days after the Planning Board's recommendation. The review of these projects would then revert to the Design Review Board on March 2, 2004. However, the zoning-in-progress for the review of demolition for any property within the proposed historic district by the Historic Preservation Board would remain in place until final action is taken by the Mayor and City Commission.


JMG:CMC:JGG:WHC:SMA

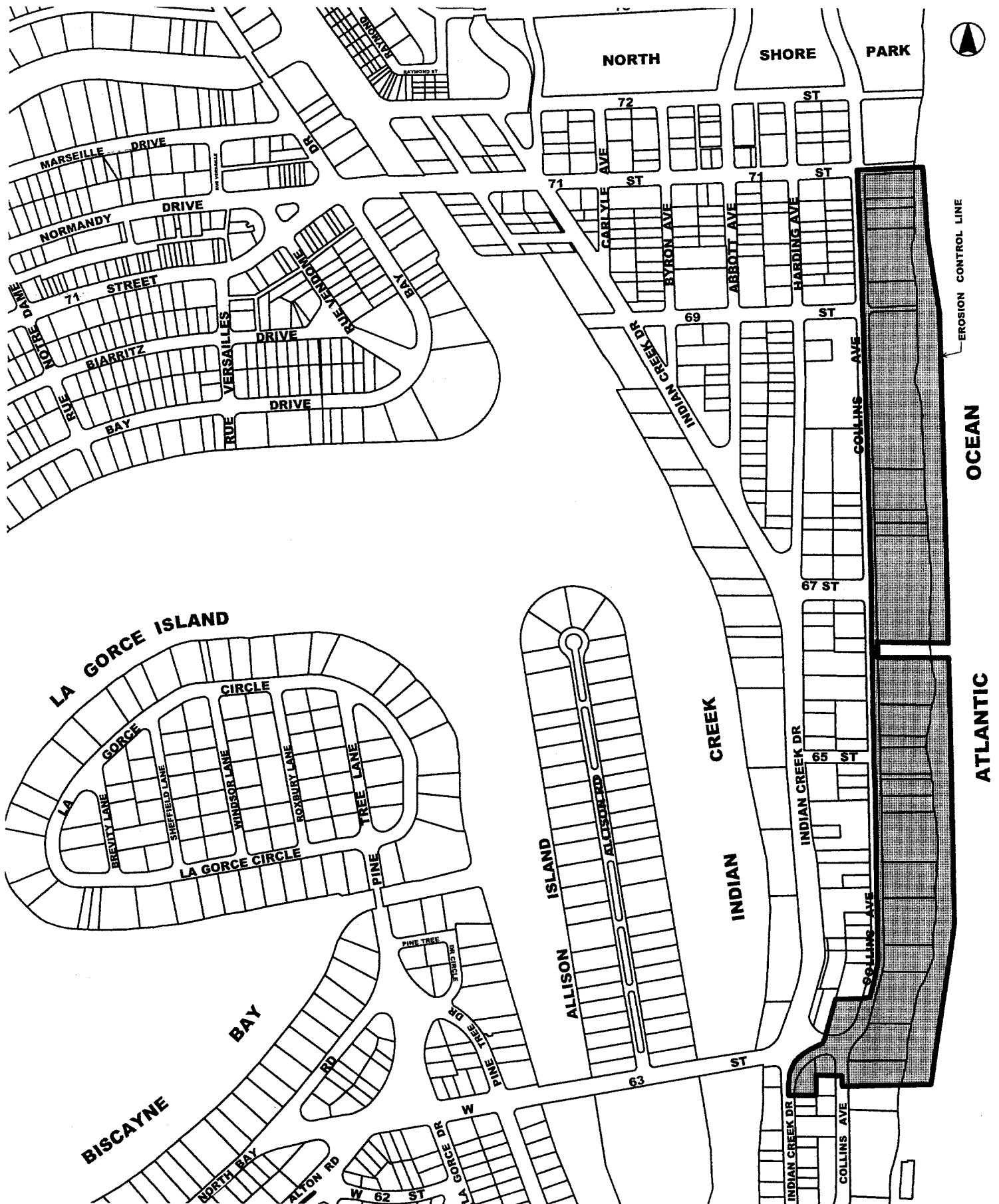
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**MAP 1A : PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT
BOUNDARIES AS RECOMMENDED BY THE HISTORIC
PRESERVATION BOARD**



This is a detailed street map of Indian Creek, Florida. The map shows a network of residential streets, including North Shore Park, Indian Creek Drive, Allison Island Road, and various local streets like Marseille Drive, Normandy Drive, and La Gorce Circle. It also depicts natural features such as Indian Creek, Biscayne Bay, and La Gorce Island. A shaded area along the coast indicates the erosion control line between the land and the Atlantic Ocean. The map includes a north arrow in the top right corner.

**MAP 1C: PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT BOUNDARIES
ADOPTED BY THE CITY COMMISSION ON JANUARY 14, 2004**



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION"; AMENDING SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTER LINE OF 71ST STREET TO THE NORTH, THE CENTER LINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE AND 6300 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN TO THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE NORTH BEACH RESORT HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on August 12, 2003, the City of Miami Beach Historic Preservation Board held a public hearing and voted (6 to 1) in favor of recommending that the Mayor and City Commission designate the North Beach Resort Historic District; and

WHEREAS, on December 2, 2003, the City of Miami Beach Planning Board held a public hearing and voted (5 to 0; 2 absences) in favor of the proposed designation of said historic district; and

WHEREAS, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

WHEREAS, these recommendations of approval for the designation of the North Beach Resort Historic District were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A".

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. DESIGNATION OF THE NORTH BEACH RESORT HISTORIC DISTRICT.

Those certain areas which are generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the center line of

71st Street to the north, the center line of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue and 6300 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue); and having the legal description as described herein, are hereby designated as an Historic District of the City of Miami Beach and shall be known as the "North Beach Resort Historic District." That the Designation Report attached hereto as Appendix "A" is hereby adopted.

SECTION 2. AMENDMENT OF SECTION 118-593 OF THE CITY CODE.

That Chapter 118, Section 118-593 entitled "Historic Preservation Designation" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

* * *

- (e) Delineation on zoning map. All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:

* * *

- (2) Historic preservation districts (HPD).

* * *

- i. RM-2, RM-3, GU/HPD-10: The boundaries of the North Beach Resort Historic District commence at the point of intersection of the center lines of Collins Avenue and 71st Street, as shown in NORMANDY BEACH SOUTH, recorded in Plat Book 21, at Page 54, Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of the tract of land herein described; thence run easterly to the point of intersection with the Erosion Control Line of the Atlantic Ocean, as recorded in Plat Book 105, at Page 62, Public Records of Miami-Dade County, Florida; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 44, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run westerly, along the south

line of said Lot 44 to the point of intersection with the easterly Right-of-Way line of Collins Avenue; thence run southerly, along the easterly Right-of-Way line of Collins Avenue to the point of intersection with the north line of Lot 42 of the above mentioned Block 1; thence run easterly, along the north line of said Lot 42 to the point of intersection with the Erosion Control Line of the Atlantic Ocean; thence run southerly, along the Erosion Control Line of the Atlantic Ocean to the point of intersection with the south line of Lot 21 K of said Block 1; thence run westerly, along the south line of said Lot 21 K and its westerly extension to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue to the point of intersection with the easterly extension of Lot 1 of LYLE G. HALL SUBDIVISION, recorded in Plat Book 40, at Page 5, Public Records of Miami-Dade County, Florida; thence run westerly, along the south line of said Lot 1 and its easterly extension, to the point of intersection with the easterly line of Lot 25 of the above mentioned LYLE G. HALL SUBDIVISION; thence run southerly, along the easterly line of lots 25 and 24 of said LYLE G. SUBDIVISION to the southeast corner of said Lot 24; thence run westerly, along the south line of said Lot 24 and its westerly extension to the point of intersection with the center line of Harding Drive (now Indian Creek Drive); thence run northerly, along the center line of Harding Drive (now Indian Creek Drive) to the point of intersection with the center line of 63rd Street; thence run easterly, along the center line of 63rd Street, to the point of intersection with the southerly extension of the westerly line of Lot 1, Block 7, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, recorded in Plat Book 28, at Page 28, Public Records of Miami-Dade County, Florida; thence run northerly, along the westerly line of said Lot 1, Block 7 and its southerly extension to a point located 50.00 feet south (measured at right angles)

of the westerly extension of the northerly line of said Lot 1; thence run easterly along a line parallel and 50.00 feet south of the northerly line of said Lot 1 to the point of intersection with the center line of Collins Avenue; thence run northerly, along the center line of Collins Avenue to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

* * *

SECTION 3. INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. AMENDMENT OF ZONING MAP.

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPD-10, Historic Preservation District Ten.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

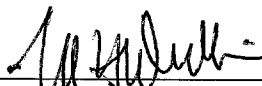
PASSED and ADOPTED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:**



CITY ATTORNEY *GH*

1-21-04

DATE

First Reading: January 14, 2004
Second Reading: February 4, 2004

Verified By: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language.
~~Strike-through~~ denotes deleted language.

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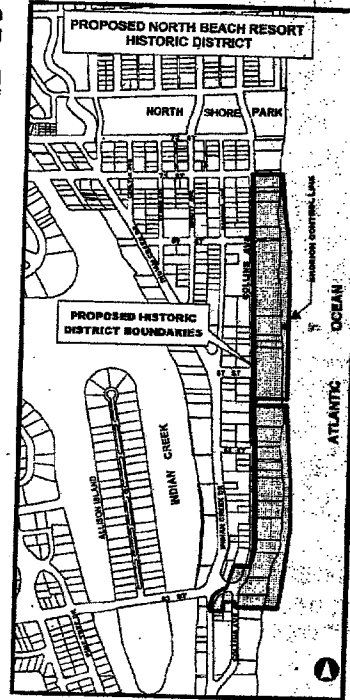
CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING NOTICE OF ZONING MAP CHANGE



MB www.herald.com | THE HERALD | SUNDAY, JANUARY 25, 2004 | 47

The City of Miami Beach proposes to adopt the following Ordinance:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending the Land Development Regulations of the Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(e), "Delineation on Zoning map"; Amending Section 118-593(e)(2), "Historic Preservation Districts (HPD)" by Designating the North Beach Resort Historic District, Consisting of a Certain Area Which is Generally Bounded by the Southern Lot Lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the South, the Center Line of 71st Street to the North, the Center Line of Collins Avenue and the Western Lot Lines of Certain Properties Fronting on Collins Avenue to the West (Including 6084 Collins Avenue and 6300 Collins Avenue), and the Erosion Control Line of the Atlantic Ocean to the East (Excluding 6605 Collins Avenue), as More Particularly Described Herein; Providing that the City's Zoning map Shall Be Amended to Include the North Beach Resort Historic District; Adopting the Designation Report Attached Hereto as Appendix "A"; Providing for Inclusion in the Land Development Regulations of the City Code, Repealer, Severability, and an Effective Date.



PUBLIC NOTICE IS HEREBY GIVEN that a second reading public hearing on the Ordinance will be held by the City Commission on Wednesday, February 4, 2004, at 2:00 p.m., or as soon thereafter as possible, in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

The historic district proposed for designation is shown on the map within this Zoning Map Change. The district boundaries may be modified by the City Commission at this meeting.

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Miami Beach City Commission c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139.

The Ordinance and other related materials regarding the proposed historic district are available for public inspection during normal business hours in the City Clerk's Office. Inquiries may be directed to the Planning Department at (305) 673-7550. The hearing on this Ordinance may be continued at this meeting and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk's Office at (305) 673-7411 for information as to the status of the Ordinance as a result of the meeting.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or its hearing, such person must insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City of the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An ordinance of the Mayor and City Commission amending the FLUM and Goals, Policies and Objectives of the Comprehensive Plan for a parcel of unplatted land of approximately 5.6+/- acres located on Terminal Island, with a floor area ratio (FAR) of 1.0

Issue:

Should the City Commission:

1. Approve changing the Future Land Use Map of the Comprehensive Plan in order to create a multifamily land use designation in Terminal Island which would be surrounded by light industrial land use designations?
2. Amend Goals, Objectives and Policies of the Comprehensive Plan that would create:
 - a. Incompatibility of the proposed uses with the existing ones;
 - b. Increase density in an area that does not currently permit residential uses;
 - c. Contravene hurricane evacuation procedures;
 - d. Amend Goals, Policies and Objectives of the Comprehensive Plan?

Item Summary/Recommendation:

The request is applicant-driven and there is a potential for creating incompatible land uses when changing from industrial to residential uses, which is in direct contradiction to the Goal, Policies and Objectives of the Comprehensive Plan. In addition, the request would increase the potential for hurricane evacuation in an area of the City that currently does not allow residential uses, as well as requiring that be amended.

The Administration recommends that the ordinance is not approved.

Advisory Board Recommendation:

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of the Goals, Objectives and Policies of the Comprehensive Plan based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses.

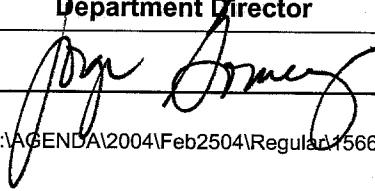
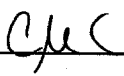
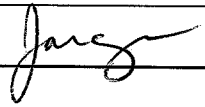
Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R5C

DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

First Reading, Public Hearing

Subject: Proposed amendment to the Goals, Policies and Objectives and to the Future Land Use Map of the Comprehensive Plan

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance is not approved.

OVERVIEW

The applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the Future Land Use Map (FLUM) of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway, from the Current Land Use category I-1, Light Industrial, to the proposed Future Land Use Category of RM-PRD, Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0 as permitted in the I-1 Light Industrial category. The request will also necessitate a text amendment to the Goals, Policies and Objectives of the Comprehensive Plan of the City of Miami Beach.

The Comprehensive Plan (Plan) provides for the RM-PRD FLU category; however, the Land Development Regulations (LDRs) of the City Code would require a new zoning district to be created, in order to accommodate the specific site development characteristics

desired by the developer for the RM-PRD-3 zoning district. Upon approval of the FLUM and Comprehensive Plan amendment, the applicant is also requesting an amendment to the Zoning District Map and LDRs to reflect the new zoning district and regulations being created. It should be noted that the change to the Zoning Map and the district regulations could only be approved after the Department of Community Affairs and all other reviewing agencies have reviewed the amendments to the Comprehensive Plan and FLUM.

Planning staff had several meetings with the applicant prior to the submission of the applications for Planning Board review, in order to assist with the process and ensure complete submission of all required documents and exhibits. During the course of these meetings, several copies of the Comprehensive Plan were provided to the applicant and his consultants in order to facilitate the understanding of the complex issues involved with regard to this application. At that time, staff also expressed concerns relative to the change of land use designation of the property for a number of reasons, among which were the increase in density on a land use that currently does not permit residential uses, the incompatibility of residential with the industrial uses remaining on Terminal Island and with the U.S. Coast Guard base, which is located across the channel to the east, and the diminution of industrial zoning districts.

Below is a summary of events leading to this Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at the July 23, 2002 Planning Board meeting, who reiterated those concerns during the meeting. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom it can be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that "Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons.**"

(emphasis added). The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it is apparent that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are necessary for a community in order to keep noxious uses separated from residential uses. As previously expressed, the City of Miami Beach has very limited areas designated for light industrial uses and the loss of even a small portion of those areas may be detrimental for the community.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation and The Fisher Island ferry landing are located on the western-most portion of island, contiguous to the City's maintenance facilities.

REVIEW CRITERIA:

Traditionally in the past, when reviewing a request for Comprehensive Plan amendments, either to the FLUM or text, the criteria listed for amendments to the land development regulations has been used for the evaluation of such requests:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Not Consistent - The proposed amendment is not consistent with the Comprehensive Plan. The following review will address each of the applicable elements of the Plan to determine whether the application is Consistent, Not Consistent or Partially Consistent:

1. FUTURE LAND USE ELEMENT

GOAL

Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

a. Policy 1.2 – Low Density Planned Residential Category (RM-PRD)

Partially Consistent – To the extent that the desire is to change the FLUM to this category, this future land use category is contemplated in the Plan. This land use category permits 25 dwelling units per acre and a floor area ratio of 1.0. The parcel subject to this request is approximately 5.6 acres, thus creating the potential for the development of 140 dwelling units. However, due to the remaining uses on the island, the potential for incompatible land uses is created, which is in direct contradiction to the Goal.

b. OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (i.e., coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policies 4.2 – Permitted city population densities shall be reduced to better conform with the Metropolitan Dade County Office of Emergency Management's 1991 Emergency Operations Plan and the experience with Hurricane Andrew.

Not Consistent – The proposed change to the FLUM from Light Industrial, which prohibits residential uses, to a residential land use category, will increase the population density in this area of the City.

c. OBJECTIVE 5: CONCURRENCY MANAGEMENT

Meet the concurrency management requirements of Ch. 9J-5.0055 FAC and the LDR, and the land needs for utilities.

Policy No. 5.2 – Measuring conformance with the Level of Service for water, sewer, solid waste and drainage; for recreation; for traffic.

Partially Consistent – The project proposed for this site under the RM-PRD Future Land Use category may fail water, sewer and recreation levels of service.

d. OBJECTIVE 6: INCONSISTENT USES

The City land development regulations shall continue to provide for the discontinuation of non-conforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan.

Policy 6.1 Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited and enforced through zoning decisions.

Not Consistent – The proposed FLU designation of RM-PRD would be incompatible with the Light Industrial category existing throughout Terminal Island.

2. TRAFFIC CIRCULATION ELEMENT

GOAL:

To ensure the development of a safe, efficient and integrated motorized and non-motorized transportation system in the City of Miami Beach.

a. OBJECTIVE 1: LEVEL OF SERVICE

To require that roadways within the City operate at acceptable levels of service (LOS) coordinated with the Future Land use Map.

Policy 1.1: The City hereby adopts the following peak hour LOS standards for each listed facility type:

- Local roads – LOS Standard D
- Collector roads – LOS Standard D
- Arterial roads - LOS Standard D
- Limited access roads - LOS Standard D

Not Consistent – According to the revised Concurrency Calculation Sheet issued by the Transportation and Concurrency Management Division, the Trip Generation Determination is as follows: (these calculations were revised in order to show the proposal by the applicant of a total of 100 dwelling units, and on the existing use of the site – a container port/marine terminal, rather than a warehouse)

- *Light Industrial – Waterport/Marine Terminal = 5.5 (+/-) acres x 11.93 trips per acre – 65.615 trips*
- *Condominium = 100 x 5.86 trips per unit = 586 trips*
- *Yacht Slips = 17 x 2.96 per slip = 48.62 trips*
- *Restaurant = 96 x 2.86 trips per seat = 274.56 trips*

- *Total net trips generated by proposed development = 843.565*

Based on this determination, credits and trip allowances, the applicant would have to pay for mitigation of 55.67529 trips at a cost of \$112,241.38.

3. PORTS, AVIATION AND RELATED FACILITIES

GOAL:

There shall be no expansion of the existing port or new facility siting of ports, airports or related facilities in the City of Miami Beach.

a. OBJECTIVE 1: PORT FACILITY EXPANSION

There shall be no future land use changes which would allow for the expansion of existing cargo port terminal; new port or airport facilities are not feasible.

Policy 1.2 – The existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.

Not Consistent – The applicant is requesting a FLUM amendment that would change the FLU category from Light Industrial to RM-PRD. The request is contrary to this policy.

b. OBJECTIVE 2: MACARTHUR CAUSEWAY

Maintain the integrity of the Future Land Use Map in order to meet the traffic Level of Service standards on the MacArthur Causeway; measurability shall be 0 (zero) such Plan amendments.

Policy 2.2 – The projected level of service standard for the MacArthur Causeway shall be reduced below adopted levels as a result of either traffic from the MacArthur Causeway terminal or Future Land Use Plan amendments.

Partially Consistent – It appears that the level of service standard may be affected according to the evaluation issued by the Transportation and Concurrency Management Division, however, a more in-depth evaluation will need to be performed.

4. INFRASTRUCTURE: SANITARY SEWER, SOLID WASTE, DRAINAGE AND POTABLE WATER

GOAL:

Provide for potable water, sanitary sewer, drainage and solid waste facilities which meet the city's needs in a manner which promotes the public health, sanitation, environmental protection, operational efficiency, and beneficial land use and redevelopment patterns.

a. Objective 5: OBJECTIVE 5: LEVEL OF SERVICE STANDARDS

The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction.

Policy 5.1 – The following City-wide Level of Service standards shall be used as the basis for determining the availability of facility capacity...

Partially Consistent – The information provided by Coastal Systems International, one of the consultants for the proposed development for this site, states that “While the 8-inch line should provide sufficient capacity to the site, an additional requirement of 62,890 gpd will be required to meet the development requirements.” Likewise, “Based on the water supply analysis... there will be deficit of approximately 62,890 pd for sanitary sewer requirements.”

5. CONSERVATION/COASTAL ZONE MANAGEMENT

GOAL:

Provide public improvements and restrict development activities that would damage or destroy coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.

a. Objective 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall be maintained or lowered by 1995.

Policy 4.9 – Selected City population density maximums shall be reduced as a part of this Plan to better coordinate with the 1991 Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the 1991 Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Not Consistent – The changes to the FLUM from light industrial to RM-PRD, which is a residential land use category, would increase the population density of the subject site, which currently does not allow residential uses.

b. Objective 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2 - In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, the City shall approve no future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Not Consistent – The request to amend the FLUM would increase the density of the subject parcel from Light Industrial to RM-PRD, which is a residential use.

6. RECREATION AND OPEN SPACE ELEMENT

GOAL:

Develop and Maintain a Comprehensive System of Parks and Recreational Open spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and enhancement of the Natural Environment.

a. Objective 2: OBJECTIVE 2: LEVEL OF SERVICE STANDARDS

Ensure that parks and recreational facilities are adequately and efficiently provided by enforcing the following level of service standards and related guidelines through the concurrency management system.

Partially Consistent – The project proposed for the amended FLU may fail levels of service established for some of the types of recreational facilities.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Not Consistent – The proposed land use, along with the envisioned high-rise project with a mega-yacht marina and a restaurant with 96 seats, would be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, east of subject property.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height, but with a potential of 200 feet in height, which may reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise, residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Not Consistent – The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its residents. These services include, but are not limited to, warehouses, utilities and ferry terminals.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.¹

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project such as the one proposed, which would not require a FLUM and Comprehensive Plan Text Amendment.

ANALYSIS

The applicant is requesting to amend the FLUM and the text of the Plan in order to convert the site from its current I-1 Light Industrial FLU category to RM-PRD Residential Planned Development. The applicant originally submitted a concept plan that represented a larger magnitude for the proposed project; however the development concept for the subject site has since been modified and consists of the following:

- A residential tower approximately 160 feet in height, consisting of approximately 40 units, but which could be increased to a total of 90 units;
- Ten townhouse units along Government Cut, approximately 50 feet in height;
- A racket club;
- A 165-space parking garage;
- A 17-slip mega-yacht marina with vessels mooring parallel to the seawall;
- A 96-seat restaurant.

At the time of original submission, the applicant also submitted a number of signed letters from neighbors in the Palm, Hibiscus and Star Islands who indicated support of his project.

* * *

The Administration has several concerns relative to this application, and these concerns have been expressed to the applicant on several occasions by the Planning Department staff. First, and most important, this request would mix incompatible uses - industrial and residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the ferry terminal also located on the island. History has shown that when residential uses start intruding into industrial areas, the industrial-designated areas start diminishing as the residents become uncomfortable with those uses.

Secondly, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan. These inconsistencies and contravention of Plan and City policy would require very serious consideration before the Plan is amended. As can be observed in the review criteria, this application is not consistent with six of the goals, objectives and policies of the Plan and it is partially consistent with 4. The application is also not consistent with 8 of the review criteria, partially consistent with 4 and inconclusive with one.

the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

Throughout the process of this application, the U. S. Coast Guard has expressed concerns relative to security for various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Moreover, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a high rate of speed, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Although in some instances the adaptive re-use of formerly industrial buildings have been successfully converted to residential uses, the isolated nature of Terminal Island, which is designated I-1, Light Industrial in its entirety, would not constitute a good example. The existing structure on the site is proposed to be demolished in order to make room for the proposed residential development. The proposed change in land use designation would create an isolated land use contravening Plan and City Code policies and regulations.

Lastly, the City of Miami Beach has a very limited industrial zoning district - a 1½-block area north of Dade Boulevard and west of Alton Road, and the area at Terminal Island, off the MacArthur Causeway. The request to change the land use category on a portion of Terminal Island would further erode the light industrial category, which would effectively limit even more the areas where the light industrial activities could occur. Light industrial activities are necessary and support the functionality of any community. In addition, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of Policy 1.2 of the Ports, Aviation and Related Facilities based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses. Furthermore, the Planning Board did not review or consider the accompanying amendments to the land development regulations. Should the City Commission decide to approve the requested amendments to the Comprehensive Plan, the ordinance amending the development regulations would have to be remanded back to the Planning Board for their review and recommendation prior to the City Commission public hearing on this matter.

CITY COMMISSION ACTION

At the January 8, 2003 meeting, the Commission opened and continued this item at the request of the applicant. The public hearing was continued to a date and time certain of February 5, 2003 at 5:01 p.m.

At the February 5, 2003 meeting, the Commission opened and continued this item at the request of the applicant to a time certain of May 21, 2003 at 5:01 p.m. and it was again

continued to the December 10, 2003 meeting. At the December 10, 2003 meeting, the Commission opened and continued this item to the February 25, 2004 meeting.

CONCLUSION

The request is an amendment to the Goals, Policies and Objectives, as well as a change to the Future Land Use Map of the Comprehensive Plan. Chapter 163.3187, Fl. Stat., provides that amendments directly related to proposed small-scale development involving 10 acres of land or less may be adopted after one public hearing by the City Commission. However, although the land area involved is less than 10 acres, because this request also involves an amendment to the Goals, Policies and Objectives of the Plan, Chapter 163.3184 F.S. requires that the local governing body hold at least two advertised public hearings, one at the transmittal stage and the second public hearing at the adoption stage. Should the City Commission not approve this ordinance on first reading, the process does not go any further.

The required 30-day mailed notice was sent on December 6, 2002. In addition, as required by State Statutes, a newspaper notice was also published, at least seven days before the City Commission first reading public hearing.

^{ml}
JMG/CMC/JGG/ML

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ORDINANCE NO. _____

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA,**

1) AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT LAND USE CATEGORY I-1, "LIGHT INDUSTRIAL," WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF "RM-PRD," MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; and

2) AMENDING PART II: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF MIAMI BEACH COMPREHENSIVE PLAN, BY AMENDING POLICY 4.2 OF OBJECTIVE 4 "HURRICANE EVACUATION," OF THE FUTURE LAND USE ELEMENT; BY AMENDING POLICY 1.2 OF OBJECTIVE 1: "PORT FACILITY EXPANSION" OF THE "PORTS, AVIATION AND RELATED FACILITIES" ELEMENT; AMENDING POLICY 9.2 OF OBJECTIVE 9, "DENSITY LIMITS," OF THE "CONSERVATION/COASTAL ZONE MANAGEMENT," ELEMENT, IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES.

WHEREAS, the applicant James F. Silvers, Trustee, a contract purchaser of the subject property, has made application to the City of Miami Beach to amend the Future Land Use Map of the Comprehensive Plan of the City to change the future land use designation for the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), a parcel of unplatted land of approximately 5.6 +/- acres, from I-1 Light Industrial, to RM-PRD Multifamily, Planned Residential Development, in order to redevelop the site; and

WHEREAS, the application for the Comprehensive Plan amendment requires amendments to the Goals, Objectives and Policies of several Elements of the Plan; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, Planning Board reviews amendments to the Comprehensive Plan of the City of Miami Beach in an advisory capacity to the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the Future Land Use Map of the City of Miami Beach Comprehensive Plan is hereby amended by changing the land use designation of the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), from the existing Future Land Use Category I-1 Light Industrial, to the proposed Future Land Use Category RM-PRD Multifamily, Planned Residential Development.

Section 2. That Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policy 4.2

Permitted city population densities shall be ~~reduced~~ amended from time to time to better in order to conform with the most current Metropolitan Dade County Office of Emergency Management's 4994 Emergency Operations Plan and the experience with Hurricane Andrew.

Section 3. That Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element is hereby amended as follows:

~~Policy 1.2~~

~~Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.~~

Section 4. That Policy 4.9 of Objective 4 "Hurricane Evacuation" of the Conservation/Coastal Zone Management Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall continue to be maintained or improved by 1995.

Policy 4.9

Selected City population density maximums shall be ~~reduced~~ modified from time to time in order to reflect existing densities, as a part of this Plan to better coordinate with the 1994 most current Metropolitan Dade County Emergency Operations Plan at the time of the changes, which is the local hurricane evacuation plan for Miami Beach, and the 1994 most current Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Section 5. That Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element is hereby amended as follows:

OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2

In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, any requests for increase in residential densities in any area of the City shall simultaneously decrease the residential densities in other areas of the City; otherwise, the City shall not be able to approve ~~ne~~ future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Section 6. The Administration is hereby instructed to transmit a copy of this Ordinance and all applicable documents immediately upon approval on First Reading and again after its adoption on Second Reading to all agencies as provided by law. The City Commission hereby requests that the state land planning agency review the plan amendment transmitted herewith.

Section 3. Repealer.

That all Ordinances or parts of Ordinances in conflict herewith be and same are hereby repealed.

Section 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 5. Inclusion In The Comprehensive Plan.

It is the intention of the City Commission, and it is hereby ordained that Section 1 of this Ordinance shall become and be made part of the City of Miami Beach Year 2000 Comprehensive Plan Part II: Goals, Objectives and Policies, as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word ordinance may be changed to section or other appropriate word.

Section 6. Effective Date.

This Ordinance shall become effective ten days after the date of its enactment; however, the effective date of any plan amendment shall be in accordance with Section 163.3184, Florida Statutes.

Passed on First Reading the _____ day of _____ 200__.


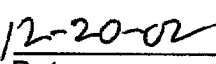

Passed and Adopted on Second and Final Reading this _____ day of 200__.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 
City Attorney  Date

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11011

February 19, 2004

City of Miami Beach
Attention: Mayor David Dermer
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Dermer:

The 10 December, 2003, City Commission meeting deferred until the scheduled meeting of 25 February, 2004, the matter of the proposed amendment of the future land use map of the city's Comprehensive Plan requested by Mr. James Silvers. This amendment would rezone 5.6 acres of unplatted land on Terminal Island from its existing light industrial category, to multi-family, planned residential development.

The Coast Guard has met with Mr. Silvers on numerous occasions during the past two years about our continuing opposition to residential development of the property. It has been, and continues to be, our position that such development would be incompatible with long established and vital Coast Guard missions on our adjoining property.

The Coast Guard has agreed to numerous continuances requested by Mr. Silvers in this matter. At this point however, the Coast Guard would recommend against further continuances should they be requested by Mr. Silvers under the expectation that further discussions will change the Coast Guard's opposition to this proposed rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "R. K. Murphy", written over a large, stylized oval.

R. K. Murphy

Copy: City of Miami Beach, Commissioner Matti Herrera Bower
City of Miami Beach, Commissioner Simon Cruz
City of Miami Beach, Commissioner Luis R. Garcia, Jr.
City of Miami Beach, Commissioner Saul Gross
City of Miami Beach, Commissioner Jose Smith
City of Miami Beach, Commissioner Richard Steinberg
City of Miami Beach, City Manager Jorge M. Gonzalez
City of Miami Beach, Director of Planning and Zoning, Jorge Gomez
Mr. James Silvers
Commander, Coast Guard Seventh District (dcs)
Commander, Coast Guard Group Miami
Commanding Officer, Coast Guard Integrated Support Command Miami
Commanding Officer, Marine Safety Office Miami
Commander, Maintenance and Logistics Command Atlantic (s), (lg)

JAMES F. SILVERS, TRUSTEE
1100 FIFTH STREET
MIAMI BEACH, FLORIDA 33139
Telephone: 305-672-0801
Fax: 305-672-1586

RECEIVED
03 MAY -9 AM 8:34

OFFICE

May 8, 2003

Mr. George Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

VIA FAX: 305-673-7559

RE: Marina Point Project
Terminal Island
Items No.: _____ and _____

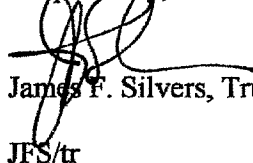
Dear Mr. Gonzalez:

This letter is a request for a continuance for the above referenced items scheduled for a public hearing on May 21, 2003. I had met with the United States Coast Guard on May 6, 2003 to discuss alternate uses for the Terminal Island property. They have informed me that a reply on the proposed design changes will take a month or two due to the distribution of the plans to different departments within the Coast Guard. These plans were a second submittal to the Coast Guard within the last several months. The Coast Guard did not have any objection to a continuance.

On May 8, 2003, I met with Christina Cuervo and George Gomez concerning Terminal Island. We discussed different uses for the property. Ms. Cuervo and Mr. Gomez did not have any objection to a continuance.

My request is to reschedule the public hearing for the September 2003 City Commission meeting. If you have any questions, please call me at your convenience.

Respectfully,



James F. Silvers, Trustee

JFS/tr

CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

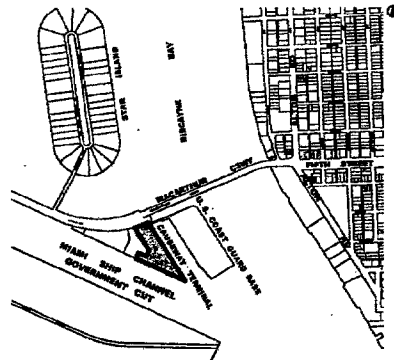


James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on **WEDNESDAY, January 8, 2003 at 5:01 P.M.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as these matters can be heard:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All interested parties are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; if Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

(Ad Number 0146)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An ordinance of the Mayor and City Commission of the City of Miami Beach amending the Official Zoning Map and creating new development regulations for RM-PRD-3 Multifamily, Planned Residential zoning district with a floor area ratio (FAR) of 1.0 for a parcel of land of approximately 5.6+/- acres located on Terminal Island

Issue:

Should the zoning district map of the City and development regulations be amended to create a multifamily residential district on Terminal Island adjacent to I-1 Light Industrial, thereby mixing incompatible uses.

Item Summary/Recommendation:

This request is applicant-driven. Following adoption of the amendments to the Future Land Use Map and the text of the Comprehensive Plan, the Official Zoning Map of the City of Miami Beach must be amended to reflect the new zoning district created. In addition, development regulations for this newly created zoning district must also be reviewed and adopted.

The Administration recommends that the City Commission deny the request.

Advisory Board Recommendation:

Planning Board – on October 22, 2002, the Board voted 5-2 recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base. The Planning Board also requested that should the City Commission approve the request for rezoning, that the land development regulations for this new zoning district be remanded back to the Board for further review.

Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not properly reviewed once the Board recommended not to approve the amendments to the Comprehensive Plan.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

RSD

DATE

2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: Proposed amendment to Official Zoning District Map and Land Development Regulations of the City Code

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3"

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance is not approved.

OVERVIEW

Upon approval of the amendments to the Comprehensive Plan (FLUM and Goals, Policies and Objectives as described in the companion Commission Memorandum), the applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the district classification in the Official Zoning Map for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway. The property is currently zoned I-1 Light Industrial with a floor area ratio (FAR) of 1.0, and the request is for rezoning to a new classification, RM-PRD3 Residential Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0.

This request would also require new land development regulations to be created in order to accommodate the specific site development characteristics desired by the developer.

Prior to the submission of this request, Planning Department staff met on several occasions with the applicant in order to facilitate the application process. During those meetings, staff also expressed concerns relative to the incompatibility of uses, increased traffic, utility provision, hurricane evacuation and the further erosion of industrial-zoned property. The applicant was also informed that this request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

The following is a summary of events leading to this City Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at this Planning Board meeting, who reiterated those concerns. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as how this incompatibility of uses would affect their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom can it be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that “Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as “Industrial and Office” on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons.**” **(emphasis added)**. The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it appears that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are deemed necessary for a community in order to keep noxious uses separated from residential uses.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation is located on the western-most portion of island, contiguous to the City's maintenance facilities. The Fisher Island ferry landing is located on the western end of Terminal Island.

REVIEW CRITERIA:

In reviewing a request for an amendment to the land development regulations, the following criteria shall be considered when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Not Consistent - The request requires amendments to policies of the Comprehensive Plan as well as to the Future Land Use Map. No neighborhood plans exist for the immediate area.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not Consistent – While the proposed use may reduce commercial traffic, the proposed land use, along with the envisioned high-rise project with a 17-slip mega-yacht marina and a restaurant with 96 seats, would have the potential of increasing traffic and be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, south of subject property.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height (as indicated in the concept plan), which will affect view corridors and may reduce light and air.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise, residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Consistent - The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its residents. These services include, but are not limited to vehicle repairs, warehouses, utilities and ferry terminals. The U.S. Coast Guard Base, the FPL transformer station, the ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.¹

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project similar to the one being proposed without the need to amend the FLUM, Comprehensive Plan, Zoning Map and LDRs.

ANALYSIS

Upon approval of the request to amend the Future Land Use Map and the policies of the Comprehensive Plan by the City Commission, the applicant is requesting to amend the Official Zoning Map and the Land Development Regulations of the City Code in order to convert the site from its current I-1 Light Industrial zoning classification to RM-PRD-3 Residential Planned Development zoning district.

As part of the application documentation, the applicant originally proposed land development regulations for the new RM-PRD-3 zoning classification and a concept development plan for the subject site that consisted of a residential tower 200 feet in height, townhouses, racket club, 29-slip mega-yacht marina inclusive of mooring slips perpendicular to the seawall facing east and slips on the south side of the property adjacent to Government Cut, a parking garage, and a 196-seat restaurant. After the July 23, 2002 Planning Board meeting, the applicant revised the concept plan as follows:

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

- reduced the height of the residential tower to approximately 160 feet (as indicated in the concept plan);
- increased the number of townhouse units along Government Cut from 5 to 10;
- increased the height of the townhouses from 40 feet to 50 feet;
- modified the proposed marina so that the vessels moor parallel to the docks rather than perpendicular to the seawall;
- reduced the number of slips at the marina from 29 to 17;
- reduced the capacity of the proposed restaurant from 196 seats to 96 seats

This request is cause for concern for several reasons, which have been expressed to the applicant on several occasions during meetings with Planning Department staff. First, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

Secondly, this request would mix incompatible uses - industrial with residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the Fisher Island ferry terminal located on the western-most portion of the island. Staff is concerned that the request to change the use category on a portion of Terminal Island would further erode the light industrial category. When residential uses start intruding into industrial areas, those industrial areas start diminishing as the residents become uncomfortable with those uses.

In addition to the incompatibility of uses, the proposed height also affects view corridors and is incompatible with the scale of surrounding single-family neighborhoods north of MacArthur Causeway. Moreover, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City. With regard to accommodations for large yachts, the City may not be lacking for this kind of facility, as the Miami Beach Marina has slips that can accommodate yachts that exceed 200 feet in length. In this regard, the applicant states that only vessels of shallow draft can be accommodated; however this information has not been confirmed. In a call to the Miami Beach Marina, the dockmaster informed us that the marina can normally accommodate vessels with a draft of ten feet, except that on very high tide, 13 feet of draft can be accommodated.

Throughout the various public hearings for this application, the U. S. Coast Guard has expressed concerns relative to security and other various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Secondly, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a speed of approximately 12 knots, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Thirdly, there is concern with the revised land development regulations proposed, as they may conflict with adjacent land uses or are not entirely clear as to their purpose. For instance:

- The setback requirement for Buildings from any property line is proposed at 12 feet. This property is adjacent to a vehicle repair yard and a setback of 12 feet may not be sufficient to ameliorate the impact of the incompatible use.

The original concept plan proposed to have a setback requirement of 15 feet, which was believed to be not enough separation from the existing adjacent uses.

- The regulations propose a minimum setback of 35 feet from any property line for apartment buildings and a minimum of 100 feet from the front property line, which is somewhat confusing and contradictory to the regulation proposed above. However, the minimum setback requirement for the townhouses, which are sited adjacent to Government Cut, is only proposed to be a minimum of 12 feet from any property line.

The original submission proposed a minimum setback for the townhouses of 15 feet from any property line.

- The maximum height for the apartment tower was proposed to be 200 feet and the townhouses at 40 feet. The townhouses however are increased in number from 5 to 10 and the maximum height has been *increased* to 50 feet, and the apartment tower height was lowered to 160 feet, although this will need to be reviewed with more detail as the total height may exceed the 160 feet.

Although the new concept plan shows what may be a reduction in height for the residential tower, the regulations proposed would allow a maximum height of 200 feet. There are no guarantees that the "concept" plan will remain at the same height as proposed at this time because the regulations would allow for more height to be added when the "concept" plan turns into a development plan.

- The applicant has not indicated if the project is consistent with the Miami-Dade County Shoreline Review process.
- The regulations provide for commercial uses allowed in the lobby and ground floor of the apartment building for the residents and their guests. The new proposal shows a reduction of seats in the restaurant from 198 to 96 seats. However, the proposed restaurant still appears to be excessive for the number of units proposed in the concept plan. The concept plan is also not clear as to what percentage of the land area will be used for commercial uses, as the Comprehensive Plan contemplates only "...limited accessory commercial uses not to exceed one-percent (1%) of the lot area of the site."
- The concept plan includes a mega-yacht marina, but there are no regulations included for this use, although the marina is being proposed as a main use rather than accessory use to the residential use. The marina as a main use is not a permitted use in the Comprehensive Plan.
- The new proposal includes parking requirements for this development and differs from the original proposal in that one additional space per unit has been added for service

personnel. By the same token the new regulations clarify space requirement for each use proposed.

One of the concerns with the proposed parking requirements is that there is a direct relationship between the requirements and the mass of the parking structure. In addition, with the reduction of the number of restaurant seats, there is also a reduction in the number of required parking spaces for the restaurant. However, the net effect in the new proposal is an increase of 21 parking spaces – from 144 to 165.

In further reviewing the proposed regulations, it is noted that the marina is proposed as a main permitted use. This is cause for concern because depicted in this manner, the marina can be turned into a commercial entity by itself and not as an accessory use for the unit owners as purported verbally to staff. As previously stated, a marina is not a permitted use under this FLU category in the Comprehensive Plan. Moreover, a commercial marina has the potential of increasing the intensity of the proposed uses on the property and the impact on the surrounding area. Furthermore, although the concept plan shows that the mooring of vessels has been changed from perpendicular to parallel mooring and thus may have reduced the number of slips, the length of the east seawall is over 1,000 feet and over 800 feet on the south, therefore, the possibility exists for increasing the number of slips by modifying the distribution of mooring piles along the seawalls.

One of the resources staff may use for analysis is a comparison between the existing regulations for similar uses or districts and where they are located, and the proposed regulations for similarly situated properties. For purposes of this report, staff reviewed the development regulations for bayfront properties in the RM-2, and the regulations for the RM-3 zoning district. The maximum building height in the RM-2 districts, for lots fronting on Biscayne Bay that are larger than 45,000 square feet (the subject parcel is +/- 5.5 acres), is 140 feet (south side of Belle Isle, and north of 15th Street on Bay Road to Dade Boulevard). The maximum building height in the RM-3 districts is 150 feet for lots fronting Biscayne Bay.

Lastly, as we learn more about the development plans of the City of Miami for Watson Island, located on the western end of the MacArthur Causeway, we believe that traffic will increase because of the draw of Parrot Jungle and the Children's Museum. Although these attractions may also work for the benefit of the City as people decide to continue their trips to the beach, it is also cause for concern that the level of service at the intersection of Terminal Island and MacArthur will be diminished.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible

with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base.

However, the Board made an additional motion requesting that should the City Commission approve the request to amend the FLUM and the Goals, Objectives and Policies of the Comprehensive Plan, that the development regulations for this new zoning district be remanded back to the Board for further review. Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not reviewed once the Planning Board recommended not to approve the amendments to the Comprehensive Plan.

CITY COMMISSION ACTION

At the January 8, 2003 meeting, the City Commission opened and continued this item at the request of the applicant. The public hearing was continued to a date and time certain of February 5, 2003 at 5:01 p.m. At the February 5, 2003 meeting, the Commission opened and continued this item at the request of the applicant to a time certain of May 21, 2003 at 5:01 p.m. and it was again continued to the December 10, 2003 meeting. At the December 10, 2003 meeting, the Commission opened and continued this item to the February 25, 2004 meeting.

CONCLUSION

In view of the foregoing analysis, the inconsistencies with the review criteria, and the incompatibility of uses, the Administration recommends that the City Commission not approve this proposed ordinance. Should the Commission deem it appropriate to approve the proposed amendments to the Zoning Map and the land development regulations as delineated in this report, the adoption of the ordinance cannot take effect until the Florida Department of Community Affairs has approved the amendments to the Comprehensive Plan.

Pursuant to Sec. 118-164(1) of the City Code, because the proposed amendment involves less than 10 contiguous acres, notification to all property owners within 375 feet of the subject property was mailed on or about December 3, 2002. Additionally, a newspaper ad inclusive of a map showing the location of the land subject to these amendments was published in The Miami Herald. In addition, because the request to amend the LDRs is initiated by an applicant other than the City (Sec. 118-164(3)a.), the amending ordinance may be read by title or in full on two separate days. Immediately following the public hearing at the second reading, the Commission may adopt the ordinance by a 5/7^{ths} vote.

JMG/CMC/JGG/ML

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RM-PRD-3 REGULATIONS AS PROPOSED BY JAMES F. SILVERS, TRUSTEE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD-3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," BY ADDING SUBDIVISION IIIB. "DEVELOPMENT REGULATIONS FOR RM-PRD-3;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, James F. Silvers, Trustee, a contract purchaser, filed an application to amend the Official Zoning Map of the Code of the City of Miami Beach for a parcel of unplatted land of approximately 5.6 +/- acres on Terminal Island; and

WHEREAS, this same applicant requested to amend the development regulations to create regulations for a the new RM-PRD3 zoning district; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, the Planning Board reviews amendments to the Zoning Map and land development regulations in an advisory capacity to the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the Zoning District And Zoning District Map referenced in Section 142-72 is hereby amended as follows:

Changing the zoning district classification for the property located at 120 Mac Arthur Causeway from the existing zoning district classification I-1, Light Industrial, to the proposed classification RM-PRD-3 Multifamily, Planned Residential Development District 3.

Section 2. That Chapter 142, Division 3, Subdivision III. "RM-PRD Multifamily, Planned Residential Development District is hereby amended as follows:

Division 3. Residential Multifamily Districts

Subdivision IIIB. RM-PRD-3 MultiFamily, Planned Residential Development

Sec. 142-195. Purposes and Uses

<u>1. District Purpose</u>	<u>2. Main Permitted Uses</u>	<u>3. Conditional Uses</u>	<u>4. Accessory Uses</u>
<u>This district is designed to provide for low-medium intensity Multiple-Family Planned Residential Development, with limited accessory commercial use.</u>	<u>Apartments*, Townhouses, Marina</u>	<u>None</u>	<u>See Section 142-901 thru 142-905. Commercial uses as specified in section 142-200</u>

For the Terminal Island Site, residential development is restricted to apartment building and townhouses.

Sec. 142-196. Development Regulations

<u>1. FAR</u>	<u>2. Min. Lot Area</u>	<u>3. Min. Unit Size</u>	<u>4. Max. Bldg. Height</u>
<u>1.0</u>	<u>5 acres</u>	<u>1,500 Sq. Ft.</u>	<u>200 feet</u>

Residential development within this district may not exceed the following: 100 total dwelling units.

Sec. 142-197. Master Plan Approval

Development under this Subdivision shall be subject to review under the design review procedures pursuant to the Chapter 118, Article VI of this Code. For the Terminal Island site, development shall be substantially in compliance with the master plan on file with the planning department, prepared by James F. Silvers, Architect, which reflects a maximum building height of 200 feet for the main structure.

Sec. 142-198. Open Space.

Common landscaped areas shall be a minimum of 10 percent of the site. A minimum of 50 percent of the total landscaped area shall be retained for passive uses, with the remainder available for active uses. Landscaped areas shall be paved for no more than ten percent of their surface. For the purposes of this section, the calculation for open space does include pools, waterscapes, fountains, pool decks, tennis courts and marina decks.

Sec. 142-199. Urban and Architectural Design Guidelines

A. Buildings.

(1) General.

- a. Building use. All principal buildings shall have residential uses, including townhouses and apartments. Limited accessory lobby floor and ground floor commercial uses shall be allowed as set forth in this section.
- b. Setback requirements. All new buildings shall be setback from any property line a minimum of 12 feet.
- c. Special sites. Special sites, which act as the termination of a vista or a leading corner, shall receive architectural or landscaped treatment recognizing their position.

(2) Apartments.

- a. Minimum unit size. Apartments shall be a minimum of 1,500 square feet.
- b. Minimum average unit size. Apartments shall be a minimum average of 2,500 square feet.
- c. Maximum building height. New apartment buildings shall not exceed 200 feet in height.
- d. Setback requirements. Apartment buildings shall have a setback of a minimum of 100 feet from the front property line. A minimum setback of 35 feet from any property line.
- e. Building use. Building use shall be primarily residential, with commercial allowed on the lobby and ground floor. All such commercial use shall neither be visible from any public streets nor open to persons other than residents of the proposed development and their guests.
- f. Retail uses. No retail uses are allowed in this development.
- g. Commercial uses. Commercial space allowed at ground floor and the lobby floor is limited to: restaurant, health club, recreation uses, storage, marina uses, and business offices.

(3) Townhouses.

- a. Minimum unit size. Townhouses shall be a minimum of 2,500 square feet in area.
- b. Maximum building height. Townhouses shall not exceed 50 feet in height (excluding chimneys and elevator towers) to the main roof. Chimneys, elevator towers, enclosed stairwells, covered roof terraces, towers (with footprints less than 600 square feet and a height limit of 14 feet above the main roof) shall be allowed.

- c. Setback requirements. Townhouses shall be setback a minimum of 12 feet from any property line. Setback requirements shall apply to the enclosed portion of the buildings only.

(4) Marina Dock Master Building.

- a. Maximum building size. Dock master building shall be a maximum of 3,000 square feet.
- b. Maximum building height. Dock master building shall not exceed 30 feet in height.
- c. Setback Requirements. Dock master building shall have a front setback of 20 feet from a property line facing a public right of way. The building shall have a 10 foot setback facing any coastline.

(5) Recreation Building.

- a. Maximum building height. Recreation buildings shall have a maximum height of 30 feet above any parking garage and 40 feet from the ground.
- b. Setback requirements. Recreation buildings shall have a minimum setback of 20 feet from any property line.

(6) Parking Structure.

- a. Maximum building height. Parking garages shall not exceed 25 feet in height.
- b. Setback requirements. Parking garage shall have a minimum 20 foot setback from any property line.
- c. Visibility requirements. Any parking garage shall be screened from view by means of landscaping, water features, and/or architectural elements.

B. Parking Requirements

(1) Apartments and Townhouses

- a. Two spaces per unit shall be required for each unit.
- b. One space per unit shall be required for service of each unit over 3,000 square feet.

(2) Marina - One space per 100 lineal feet of dockage shall be required.

(3) Restaurant - One space for every 4 seats shall be required.

(4) Dock Master - One space shall be required for every 400 square feet of office space.

Sec. 142-200. Accessory Uses

Restaurant, Dock Master, Communication Facilities, and Recreation related activities are permitted uses in the RM-PRD-3 District.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

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U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
U.S. Coast Guard
Civil Engineering Unit Miami

15608 SW 117th Ave.
Miami, FL 33177-1630
Staff Symbol: (rp)
Phone: 305-278-6700
FAX: 305-278-6704

11011
February 19, 2004

City of Miami Beach
Attention: Mayor David Dermer
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Dermer:

The 10 December, 2003, City Commission meeting deferred until the scheduled meeting of 25 February, 2004, the matter of the proposed amendment of the future land use map of the city's Comprehensive Plan requested by Mr. James Silvers. This amendment would rezone 5.6 acres of unplatted land on Terminal Island from its existing light industrial category, to multi-family, planned residential development.

The Coast Guard has met with Mr. Silvers on numerous occasions during the past two years about our continuing opposition to residential development of the property. It has been, and continues to be, our position that such development would be incompatible with long established and vital Coast Guard missions on our adjoining property.

The Coast Guard has agreed to numerous continuances requested by Mr. Silvers in this matter. At this point however, the Coast Guard would recommend against further continuances should they be requested by Mr. Silvers under the expectation that further discussions will change the Coast Guard's opposition to this proposed rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "R. K. Murphy", written over a horizontal line.

R. K. Murphy

Copy: City of Miami Beach, Commissioner Matti Herrera Bower
City of Miami Beach, Commissioner Simon Cruz
City of Miami Beach, Commissioner Luis R. Garcia, Jr.
City of Miami Beach, Commissioner Saul Gross
City of Miami Beach, Commissioner Jose Smith
City of Miami Beach, Commissioner Richard Steinberg
City of Miami Beach, City Manager Jorge M. Gonzalez
City of Miami Beach, Director of Planning and Zoning, Jorge Gomez
Mr. James Silvers
Commander, Coast Guard Seventh District (dcs)
Commander, Coast Guard Group Miami
Commanding Officer, Coast Guard Integrated Support Command Miami
Commanding Officer, Marine Safety Office Miami
Commander, Maintenance and Logistics Command Atlantic (s), (lg)

CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

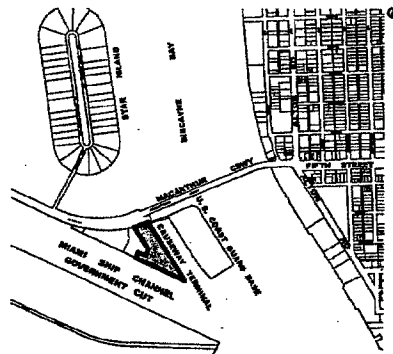


James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on WEDNESDAY, January 8, 2003 at 5:01 P.M. in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as these matters can be heard:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION III.B. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All interested parties are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; If Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

(Ad Number 0746)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

An Ordinance establishing revised standards for the installation of fences on properties in multi-family residential zoning districts, which are located within historic districts.

Issue:

Codifying appropriateness review procedures for fences in multi-family zoning districts, located within historic districts, in order to evaluate the location of fences within front yards to assure adequate buffering from the sidewalk.

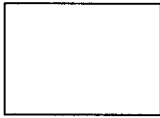
Item Summary/Recommendation:

The Administration recommends approving the Ordinance on First Reading and scheduling a Second Reading Public Hearing.

Advisory Board Recommendation:

The subject Ordinance was reviewed by the Historic Preservation Board reviewed on August 12, 2003 and by the Land Use and Development Committee on May 9, 2003; the Planning Board transmitted the Ordinance with a favorable recommendation on September 30, 2003.



Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney

Sign-Offs:

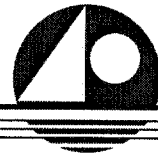
Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSE
DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: Fences

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTAL YARD REGULATIONS", DIVISION 4, "ALLOWABLE ENCROACHMENTS", BY AMENDING SECTION 142-1132 TO ESTABLISH REVISED STANDARDS FOR THE INSTALLATION OF FENCES IN MULTI-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Ordinance on First Reading and scheduling a Second Reading Public Hearing.

ANALYSIS

Currently, the City Code requires Certificate of Appropriateness review for new fences located within a locally designated historic district or site; such review is based upon the applicable Certificate of Appropriateness review criteria in the City Code (See Attached Exhibit "A"). Upon review of new applications for perimeter fences, Planning Department Staff apply the attached criteria in order to determine an appropriate setback for a fence. In some instance a 2' – 4' setback from the sidewalk is required, in order to provide an adequate buffer between the fence and the sidewalk. In other instances, a fence may be permitted to be installed along a property line fronting a sidewalk, if the building is located close to the property line and if adequate landscape is placed behind the proposed fence.

The proposed Ordinance clarifies this existing procedure, in order to assure compatibility with the existing streetscape and sidewalk.

The Historic Preservation Board reviewed the proposed ordinance on August 12, 2003 and recommended its approval and the Land Use and Development Committee reviewed the proposed ordinance on May 9, 2003 and also recommended its approval. On September 30, 2003 the Planning Board voted to transmit the proposed Ordinance Amendment to the City Commission with a favorable recommendation.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance Amendment and schedule a second reading public hearing for March 17, 2004.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/CMC/JGG/TRM

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EXHIBIT "A"
Certificate of Appropriateness Review Criteria Applicable to Fences

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties.
2. In determining whether a particular application is compatible with surrounding properties the general design, scale, massing and arrangement of the proposed improvement, as well as the relationship of the size, design and siting of the improvement, to the landscape of the district.
3. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:
 - a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
 - b. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
 - c. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

FENCES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTAL YARD REGULATIONS", DIVISION 4, "ALLOWABLE ENCROACHMENTS", BY AMENDING SECTION 142-1132 TO ESTABLISH REVISED STANDARDS FOR THE INSTALLATION OF FENCES IN MULTI-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update and clearly define the requirements of the Land Development Regulations of the Code of the City of Miami Beach as they pertain to supplemental regulations in the City's Historic Districts; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the installation of fences; and,

WHEREAS, The City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements for the installation of fences within historic districts in order to ensure that the scale, context and character of the City's local historic districts is retained and preserved; and,

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 142, "Zoning Districts and Regulations", Article IV, "Supplemental Yard Regulations", Division 4, "Allowable Encroachments" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-1132. Fences.

(h) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:

(1) All districts except I-1:

a. Within the required front yard, fences, walls and gates shall not exceed five feet. The height

may be increased up to a maximum total height of seven feet if the fence, wall or gate is set back from the front property line. Height may be increased one foot for every two feet of setback. For properties zoned multi-family and located within a locally designated historic district or site, fences shall be subject to the Certificate of Appropriateness review procedure, and may be approved at the administrative level.

b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet.

c. All surfaces of masonry walls and wood fences shall be finished in the same manner with the same materials on both sides to have an equal or better quality appearance when seen from adjoining properties. The structural supports for wood fences, walls or gates shall face inward toward the property.

d. Chainlink fences are prohibited in the required front yard, and any required yard facing a public right-of-way or waterway (except side yards facing on the terminus of a dead end street in single-family districts) except as provided in this section and in section 142-1134.

e. Chainlink fences may be erected to surround vacant lots or vacant buildings to minimize the possibility of the property becoming a dumping area. Such fence shall be permitted on a temporary basis for a period not to exceed one year and subject to its removal prior to the issuance of a certificate of use or a certificate of occupancy for a main permitted use on the property. In the architectural district, such a fence shall be vinyl coated.

f. Barbed wire or materials of similar character shall be prohibited.

g. Vacant lots in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4, RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3, R-PS4, RM-PS1, and MXE districts must be secured against motor vehicle entry at all entry points by a chain, hedge, fence, or other such material approved by the planning and zoning director.

(2) In I-1 light industrial districts, within the front, rear or side yard a fence shall not exceed seven feet, excluding barbed wire or materials of similar character. Barbed wire or materials of similar character shall be elevated seven feet above grade and be angled towards the interior of the lot. The combined height of a wall or fence plus barbed wire or materials of similar character shall not exceed nine feet. Vacant lots in the I-1 district must be secured against motor vehicle entry at all entry points by a chain, hedge, fence or other such material approved by the planning and zoning director.

(3) For government facilities in GU and CCC districts, a fence surrounding the property may be located on the property line, not to exceed six feet in height. The height may be increased up to a maximum total height of eight feet if the fence is set back one foot from the property line, subject to design review approval; fence(s) shall be constructed in a manner such that there is substantial visibility through the fence.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2003.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

1-27-04
Date

First Reading:

Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
01/09/2004

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

First Reading - Proposed Amendment to the Rooftop Additions in the North Beach Resort Historic District Ordinance.

Issue:

Shall the Mayor and City Commission approve the proposed Amendment to the Rooftop Additions in the North Beach Resort Historic District Ordinance?

Item Summary/Recommendation:

Approve the proposed amendment to the Ordinance on first reading by approving the ordinance as recommended by the Historic Preservation Board and schedule a second reading public hearing for March 17, 2004.

Advisory Board Recommendation:

On December 9, 2003, the Historic Preservation Board approved a motion (6 to 0; 1 absence) to recommend approval of the proposed amending ordinance for rooftop additions in the North Beach Resort Historic District.

On January 27, 2004, the Planning Board approved a motion (5 to 1; 1 absence) to recommend approval of the proposed amending ordinance for rooftop additions in the North Beach Resort Historic District with modifications.

Financial Information:

Source of Funds: <div style="border: 1px solid black; width: 80px; height: 40px; margin: 5px 0;"></div> Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>HC</i>	<i>Jorge</i>

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AGENDA ITEM RSF
DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

FIRST READING

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS"; AMENDING SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS"; AMENDING SECTION 142-1161(D), "ROOFTOP ADDITIONS" BY MODIFYING THE PROHIBITION OF ROOFTOP ADDITIONS OF MORE THAN ONE STORY IN THE NORTH BEACH RESORT HISTORIC DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the proposed ordinance on first reading by approving the ordinance as recommended by the Historic Preservation Board and schedule a second reading public hearing for March 17, 2004.

BACKGROUND

On August 12, 2003, the Historic Preservation Board reviewed a proposal for the designation of the North Beach Resort Historic District, which would create an historic district along the Collins Avenue corridor (roughly from the 6000 block of Collins Avenue to the centerline of 71st Street). During the discussion on the issue, the Historic Preservation Board expressed its agreement that significant flexibility be retained in the development regulations for the proposed district in order to permit the type of quality redevelopment necessary to stimulate the economic growth of the area.

One area identified for possible action was the existing rooftop addition regulations in historic districts. The existing regulations would only permit a one story rooftop addition with a maximum floor to ceiling height of 12 feet in the proposed North Beach Resort Historic District. The Board noted that historic districts within the City could vary as to the essential character and building typology present, therefore necessitating flexibility in the development regulations for different districts. The Board further noted that when the Collins Waterfront Historic District was adopted by the City Commission on January 31, 2001, the Commission also adopted a companion ordinance amendment to enable existing buildings within the district to have a rooftop addition of greater than one story in height based upon the height, configuration, and design of the existing building.

On August 12, 2003, the Historic Preservation Board approved the preparation of a companion ordinance amendment for rooftop additions in the proposed North Beach Resort Historic District for presentation to the Planning Board and City Commission along with the Designation Report. The Planning Department prepared the proposed ordinance and presented it to the Historic Preservation Board for discussion purposes on November 12, 2003. The Board expressed no concerns.

On December 9, 2003, the Historic Preservation Board approved a motion (6 to 0; 1 absence) to recommend approval of the companion ordinance amendment for rooftop additions in the North Beach Resort Historic District. The proposed ordinance amendment, as recommended by the Historic Preservation Board, would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories to have a two story rooftop addition with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories may only be placed on that portion of the underlying structure creating the eligibility for an addition. Existing buildings of five stories or less may not have more than a one story rooftop addition.

On December 2, 2003, the Planning Board continued the proposed rooftop addition companion ordinance for the North Beach Resort Historic District to the January 27, 2004, meeting due to the loss of a quorum.

On January 27, 2004, the Planning Board approved a motion (5 to 1; 1 absence) to recommend approval of the companion ordinance amendment for rooftop additions in the North Beach Resort Historic District with modifications. The proposed ordinance amendment, as recommended by the Planning Board, would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories in height to have a one story rooftop addition with a maximum floor to ceiling height of 16 feet. The rooftop addition may be placed in its entirety only atop the portion of the structure that is six stories or greater.

ANALYSIS OF THE AMENDING ORDINANCE

In reviewing a request for an amendment to the Land Development Regulations of the City Code or a change in land use, the Planning Board shall consider the following:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

Consistent - The proposed amendment is consistent with the comprehensive plan, and it would be consistent with the designation of the area as the North Beach Resort Historic District.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Not applicable

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Consistent - The proposed ordinance seeks to allow development that is more in keeping with the existing neighborhood character of the proposed North Beach Resort Historic District along the east side of Collins Avenue. It should be noted that any new development under the provisions of this ordinance is subject to the approval of the Historic Preservation Board. Rooftop additions may not be permitted if they would negatively impact the design of an existing structure and its significant architectural features or detract from the special character of the surrounding historic district.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent - The proposed change could slightly increase the allowable development in the area of the proposed historic district; however, the amount of new development that would be permitted under the provisions of the proposed ordinance is nominal.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent - Currently, rooftop additions in the area of the proposed historic district are regulated solely by the development regulations for the applicable zoning district. If the proposed historic designation is adopted, additional regulations applicable only to historic districts will apply. The proposed change designating this area as an historic district makes passage of this ordinance important in order to provide the necessary flexibility to the Historic Preservation Board to review proposed new developments.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent - The proposed amendment should not adversely influence living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent - The proposed change could have a very minor impact upon traffic circulation which may affect levels of service (LOS); however, as stated above, any development project proposed for construction which involves a rooftop addition as envisioned under this provision will be required to mitigate these impacts within the context of the City's Concurrency Management System.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent - The proposed change may slightly reduce access to light and air if development projects are undertaken utilizing this provision. However, as noted above, the ordinance requires careful Historic Preservation Board review of any proposed rooftop additions under this provision, which should protect against significant reduction of light and air corridors.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent - Staff is of the opinion that property values in the subject area would actually be favorably affected by the proposed amendment because it provides the ability to add a reasonable amount of additional space to certain existing buildings.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent - The proposed amendment will provide additional flexibility and help to facilitate development throughout the proposed North Beach Resort Historic District.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Applicable

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Applicable

STAFF ANALYSIS

Currently, the Land Development Regulations of the City Code restrict rooftop additions to one story with a maximum floor to ceiling height of 12 feet in all of the City's historic districts except for the Collins Waterfront Historic District. The proposed ordinance amendment, as recommended by the Historic Preservation Board, would permit rooftop additions in the North Beach Resort Historic District of up to two stories based upon the following formula. Existing buildings of five (5) or less stories may not have more than a one story rooftop addition. For those structures determined to be eligible by the Historic Preservation Board for rooftop additions greater than one story in height (see **Attachment** - Design and Appropriateness Guidelines from Section 142-1161(d)(3)c. in the Land Development Regulations of the City Code), certain existing buildings of six or more stories may have a two story rooftop addition with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories may only be placed on that portion of the underlying structure creating the eligibility for an addition. The proposed ordinance amendment would provide a suitable level of flexibility to renovate and adapt certain existing buildings in the district to better meet current operation, social, and economic needs.

The Planning Board recommended approval of the companion ordinance amendment for rooftop additions in the North Beach Resort Historic District with modifications at its January 27, 2004, meeting. The proposed ordinance amendment, as recommended by the Planning Board, would modify the restrictions on rooftop additions to allow certain existing buildings of six or more stories in height to have a one story rooftop addition with a maximum floor to ceiling height of 16 feet (rather than the currently permitted one story rooftop additions with a maximum floor to ceiling height of 12 feet). The rooftop addition may be placed in its entirety only atop the portion of the structure that is six stories or greater. The Administration believes that the ordinance amendment recommended by the Planning Board may not provide an adequate level of flexibility to best meet the modern operational and economic needs of certain existing buildings in the North Beach Resort Historic District.

CONCLUSION

Therefore, based upon the above analysis, the Administration recommends that the Mayor and City Commission approve the proposed ordinance on first reading by approving the ordinance as recommended by the Historic Preservation Board and schedule a second reading public hearing for March 17, 2004.

JMG:CMC:JGG:WHC:SMA

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ATTACHMENT

THE FOLLOWING TEXT FROM SECTION 142-1161(D)(3)C. IN THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE IS FOR REFERENCE ONLY

Section 142-1161 Height regulation exceptions.

* * *

(d) Rooftop additions.

* * *

(3) Collins Waterfront Historic District.

* * *

c. Design and appropriateness guidelines. In determining if existing structures are eligible for rooftop additions, the historic preservation board, in addition to any and all other applicable criteria and guidelines contained in these Land Development Regulations, shall consider whether:

- 1. The design of an existing structure (or part thereof) to which a new rooftop addition is to be attached is of such nature or style that it does not contain any significant original architectural crown element(s) or other designed composition of significant architectural features, nor does the overall profile of the structure including its rooftop design features have a distinctive quality that contributes to the special character of the historic district, as determined by the historic preservation board. Significant rooftop or upper facade elements or features may include but shall not be limited to towers, domes, crowns, ziggurats, masts, crests, cornices, friezes, finials, clocks, lanterns, original signage and other original architectural features as may be discovered.*
- 2. The proposed rooftop addition shall be designed, placed and attached to an existing structure in a manner that:*
 - i. Does not obscure, detract from, or otherwise adversely impact upon other significant architectural features of the existing structure, inclusive of significant features that are to be, or should be, restored or reconstructed in the future;*
 - ii. Maintains the architectural contextual balance of the surrounding area and does not adversely impact upon or detract from the surrounding historic district;*

- iii. *Is appropriate to the scale and architecture of the existing building;*
- iv. *Maintains the architectural character of the existing building in an appropriate manner;*
- v. *Does not require major demolition and alterations to existing structural systems in such manner as would compromise the architectural character and integrity of the existing structure; and*
- vi. *Minimizes the impact of existing mechanical equipment or other rooftop elements.*

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS"; AMENDING SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS"; AMENDING SECTION 142-1161(D), "ROOFTOP ADDITIONS" BY MODIFYING THE PROHIBITION OF ROOFTOP ADDITIONS OF MORE THAN ONE STORY IN THE NORTH BEACH RESORT HISTORIC DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Historic Preservation Board and the Planning Board of the City of Miami Beach, Florida, have recommended approval of the North Beach Resort Historic District in that general area of Collins Avenue between the 6000 block of Collins Avenue and 71st Street, and the City Commission is currently considering the historic designation of said district; and

WHEREAS, the Mayor and City Commission deem that it is in the best interest of historic preservation within Miami Beach to amend the Land Development Regulations of the City Code to address concerns related to future rooftop additions in the North Beach Resort Historic District;

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. AMENDMENT OF SECTION 142-1161 OF THE CITY CODE.

That Chapter 142, Section 142-1161 entitled "Height Regulation Exceptions" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

* * *

(d) Rooftop additions.

* * *

(4) North Beach Resort Historic District. Notwithstanding the foregoing provisions of Section 142-1161 (d)(2), existing structures located within the North Beach Resort Historic District may be permitted to have habitable rooftop additions (whether attached or detached) according to the following requirements:

a. Height of rooftop additions.

1. Existing buildings of five (5) or less stories may not have more than a one story rooftop addition, in accordance with the provisions of subsection 142-1161(d)(2).
2. For those structures determined to be eligible by the historic preservation board for rooftop additions of greater than one story in height, according to the provisions of subsection 142-1161(d)(3)c., existing buildings of six (6) or more stories may have a two (2) story rooftop addition with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories shall only be placed on that portion of the underlying structure creating the eligibility for an addition.
- b. The placement and manner of attachment of additions (including those which are adjacent to existing structures) are subject to the historic preservation board granting a Certificate of Appropriateness for any demolition that may be required as well as for the new construction.
- c. The entire structure shall be substantially rehabilitated.
- d. Notwithstanding the foregoing, the overall height of any structure located in the North Beach Resort Historic District may not exceed the height limitations of the underlying zoning district. No additional stories may be added under this section through height variances from the underlying zoning district regulations.
- e. No variance from this provision shall be granted.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED and ADOPTED this _____ day of _____, 2004.


MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:**



CITY ATTORNEY  2-18-04

DATE

First Reading: February 25, 2004

Second Reading:

Verified By: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language.
~~Strike-through~~ denotes deleted language.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS"; AMENDING SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS"; AMENDING SECTION 142-1161(D), "ROOFTOP ADDITIONS" BY MODIFYING THE REGULATIONS OF ONE STORY ROOFTOP ADDITIONS IN THE NORTH BEACH RESORT HISTORIC DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Historic Preservation Board and the Planning Board of the City of Miami Beach, Florida, have recommended approval of the North Beach Resort Historic District in that general area of Collins Avenue between the 6000 block of Collins Avenue and 71st Street, and the City Commission is currently considering the historic designation of said district; and

WHEREAS, the Mayor and City Commission deem that it is in the best interest of historic preservation within Miami Beach to amend the Land Development Regulations of the City Code to address concerns related to future rooftop additions in the North Beach Resort Historic District;

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. AMENDMENT OF SECTION 142-1161 OF THE CITY CODE.

That Chapter 142, Section 142-1161 entitled "Height Regulation Exceptions" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

* * *

(d) Rooftop additions.

* * *

(4) North Beach Resort Historic District. Notwithstanding the foregoing provisions of Section 142-1161 (d)(2), existing structures located within the North Beach Resort Historic District may be permitted to have habitable rooftop additions (whether attached or detached) according to the following requirements:

a. Height of rooftop additions.

1. Existing buildings of five (5) or less stories may not have more than a one story rooftop addition, in accordance with the provisions of subsection 142-1161(d)(2).
 2. For those structures determined to be eligible by the historic preservation board for one (1) story rooftop additions with a floor to ceiling height of greater than 12 feet, according to the provisions of subsection 142-1161(d)(3)c., existing buildings of six (6) or more stories may have a one (1) story rooftop addition with a maximum floor to ceiling height of 16 feet. The rooftop addition shall be placed in its entirety only atop the portion of the structure that is six (6) stories or greater.
- b. The placement and manner of attachment of additions (including those which are adjacent to existing structures) are subject to the historic preservation board granting a Certificate of Appropriateness for any demolition that may be required as well as for the new construction.
 - c. The entire structure shall be substantially rehabilitated.
 - d. Notwithstanding the foregoing, the overall height of any structure located in the North Beach Resort Historic District may not exceed the height limitations of the underlying zoning district. No additional stories may be added under this section through height variances from the underlying zoning district regulations.
 - e. No variance from this provision shall be granted.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

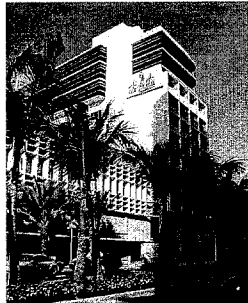
If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

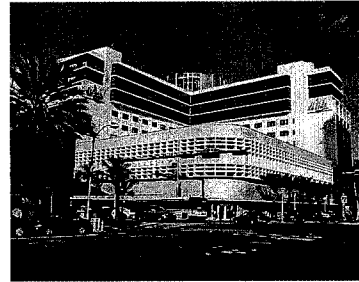
EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

DiLido Hotel (now the Ritz Carlton) – 1669 Collins Avenue



EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

DiLido Hotel (now the Ritz Carlton) – 1669 Collins Avenue



EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Allison Hotel (later the Comfort Inn and now to become Cabana) – 6261 Collins Avenue
Proposed Two-Story Rooftop Addition Approved by the Historic Preservation Board



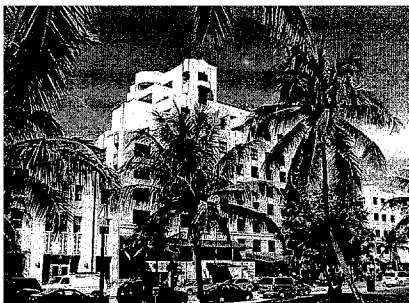
EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Allison Hotel (later the Comfort Inn and now to become Cabana) – 6261 Collins Avenue
Proposed Two-Story Rooftop Addition Approved by the Historic Preservation Board



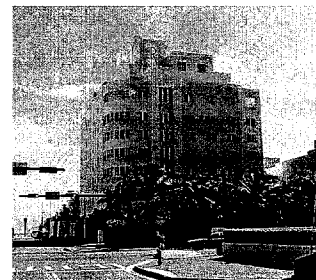
EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Netherland Hotel – 1330 Ocean Drive



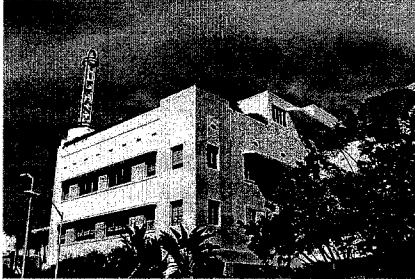
EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Raleigh Hotel – 1773 Collins Avenue



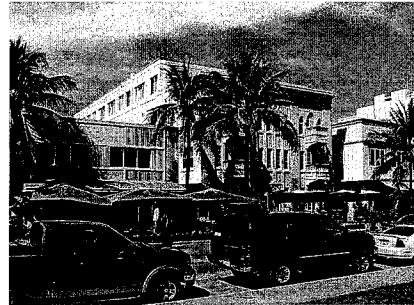
EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Tiffany Hotel – 801 Collins Avenue



EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Locust Apartments – 918 Ocean Drive



EXAMPLES OF ROOFTOP ADDITIONS IN MIAMI BEACH'S HISTORIC DISTRICTS

Barblizon Hotel – 530 Ocean Drive



**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance amending Chapter 118, "Administration And Review Procedures," amending the membership of the Board Of Adjustment to conform to the recently adopted Charter Amendment expanding the Board from five to seven regular voting members and removing ex-officio members from the Board; and amending the voting requirement to approve matters coming before the Board from 4/5 To 5/7 votes.

Issue:

The proposed ordinance will codify the question placed on the November 2003 ballot for public referendum, which was approved by a majority of the voters.

Item Summary/Recommendation:

The proposed ordinance will codify the question placed on the November 2003 ballot for public referendum, which was approved by a majority of the voters.

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the March 17, 2004 meeting.

Advisory Board Recommendation:

At the January 27, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission adopt the proposed ordinance. The vote was 6-0 (one member absent).

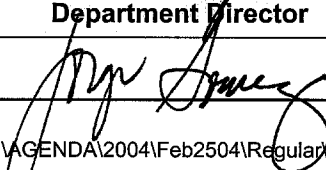
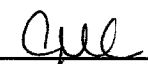
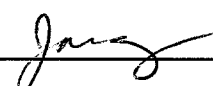
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Source of Funds:		Amount	Account	Approved
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	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R56
DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: Board of Adjustment membership

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-131, "MEMBERSHIP", AMENDING THE MEMBERSHIP OF THE BOARD OF ADJUSTMENT TO CONFORM TO THE RECENTLY ADOPTED CHARTER AMENDMENT EXPANDING THE BOARD FROM FIVE TO SEVEN REGULAR VOTING MEMBERS AND REMOVING EX-OFFICIO MEMBERS FROM THE BOARD; AND SECTION 118-136, "POWERS AND DUTIES," AMENDING THE VOTING REQUIREMENT TO APPROVE MATTERS COMING BEFORE THE BOARD FROM 4/5 TO 5/7; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the March 17, 2004 meeting.

ANALYSIS

One of the recommendations of the Charter Review Committee to the City Commission was to change the Board of Adjustment membership from five to seven members. The City Commission approved this recommendation and placed this question on the November 2003 ballot for public referendum, which was approved by a majority of the voters. The attached ordinance reflects the changes approved.

Section 1 of the proposed ordinance changes the membership of the BOA from five to seven members, removes the Planning Director and the Public Works director as ex-officio members and clarifies the existing language of the membership categories. Section 2 changes the voting requirement to approve any action of the board from a

4/5ths to a 5/7ths vote to approve any variance request. All other provisions contained in Chapter 118, Division 5, "Board of Adjustment," remain unchanged.

PLANNING BOARD ACTION

At the January 27, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission adopt the proposed ordinance. The vote was 6-0 (one member absent).

CONCLUSION

Pursuant to Section 118-164(3), when a request to amend these land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.


JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-131, "MEMBERSHIP", AMENDING THE MEMBERSHIP OF THE BOARD OF ADJUSTMENT TO CONFORM TO THE RECENTLY ADOPTED CHARTER AMENDMENT EXPANDING THE BOARD FROM FIVE TO SEVEN REGULAR VOTING MEMBERS AND REMOVING EX-OFFICIO MEMBERS FROM THE BOARD; AND SECTION 118-136, "POWERS AND DUTIES," AMENDING THE VOTING REQUIREMENT TO APPROVE MATTERS COMING BEFORE THE BOARD FROM 4/5 TO 5/7; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Charter Review Committee recommended that the City Charter be amended to change the composition of the Board of Adjustment; and

WHEREAS, the City Commission placed the question for voter consideration; and

WHEREAS, on November 4, 2003 the voters approved the above amendment to the Charter; and

WHEREAS, this ordinance amendment is required in order to effectuate the recently amended Special Related Acts of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

SECTION 1. That Section 118-131 "Membership," is hereby amended as follows:

The Board of Adjustment shall be ~~comprised~~ composed of ~~five~~ seven voting members, and ~~two ex-officio members~~. ~~The two ex-officio members shall not have voting privileges and their presence shall not be counted for the determination of a quorum. The ex-officio members are the planning and zoning director and public services director. The remaining five~~ There shall be a member from each of the following categories: members shall consist of the following: One member shall be appointed from each of the following professions or callings: Law, architecture, engineering, real estate development, certified public accounting, financial consultation and general business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the state; the member representing general business shall be of responsible

standing in the community. Members shall be appointed for a term of one year by a five-sevenths vote of the city commission. Members of the board must be either residents of or have their principal place of business in the city.

SECTION 2. That Section 118-136, "Powers and duties," is hereby amended as follows:

(a) The board of adjustment shall have the following powers and duties:

- (1) To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these land development regulations with the exception of appeals pursuant to section 118-197 and section 118-262. In the event of an administrative appeal to the board of adjustment, the planning and zoning director may engage the services of an attorney for the purpose of representing the administrative officer who made the decision that is the subject of the appeal.

In exercising this power, the board of adjustment, may upon appeal, reverse or affirm, wholly or partly, the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of ~~four~~ five members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under these land development regulations.

- (2) To authorize, upon application such variance from the terms of these land development regulations as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of a provision of these land development regulations would result in unnecessary and undue hardship. An affirmative vote of 5/7ths of all members of the board shall be necessary to approve any variance request.

(b) The board of adjustment shall serve as the city's floodplain management board and shall have the authority to exercise all powers and perform all duties assigned to such board pursuant to section 54-31 et seq. and Resolution No. 93-20698, and in accordance with the procedures set forth therein as such ordinance and resolution may be amended from time to time.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED and **ADOPTED** this ____ day of _____, 2003.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 2-18-04
City Attorney Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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R6 - Commission Committee Reports

- R6A Verbal Report Of The Neighborhood/Community Affairs Committee Meeting Of February 17, 2004: **1)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **2)** Discussion Regarding The Transfer Of Beach Patrol From The Parks Department To The Fire Department; **3)** Discussion Regarding Potential Enhancements To The Pine Tree Bark Park; And **4)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date.

AGENDA ITEM R6A
DATE 2-25-04

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, after Public Hearing Waiving by 5/7ths Vote, the Prohibition of Tran Construction, Inc. from Serving as a Vendor with the City Pursuant to Miami Beach City Code Section 2-487 (B)(4)); Provided the Aforestated Waiver is Herein Granted, Awarding a Contract to the Lowest and Best Bidder, Tran Construction, Inc., In the Amount of \$1,996,000 for the base bid, add alternate no. 1 and add alternate no. 4, Pursuant to Bid No. 10-03/04 for the ADA and Interior Renovations for the Jackie Gleason Theater of the Performing Arts; and, Provided, In the Event that the Aforestated Waiver is Herein Not Granted, Awarding a Contract to the then Lowest and Best Bidder, Miami Skyline, In the Amount of \$1,975,000 for the Base bid and add alternate no. 1 only.

Issue:

Should the City Commission exercise its authority to waive by 5/7th vote the current prohibition of Tran Construction from serving as a vendor in order to award a contract to the lowest bidder Tran Construction, Inc. for the Base Bid and Alternates 1 and 4 for the ADA and Interior Renovation for the Jackie Gleason Theater of the Performing Arts; or alternatively, decline to exercise its waiver authority and award a contract to Miami Skyline, Inc. for the Base Bid and Alternate 1, which is a scope reduction of \$279,000 from the Tran bid proposal?

Item Summary/Recommendation:

The work specified in this bid consists of furnishing all materials, labor, equipment, supervision, mobilization, overhead & profit required to perform the following work:
Renovation of 20 restrooms (add alternate 4 increases the number of restrooms to 26).
Installation of ADA compliant doors, frames, hardware, motorized ADA lifts, and exterior ADA ramp.
Dressing rooms improvements and renovation of main lobby galleries and entranceways
Box Office renovations including: ADA compliant ticket window, new media desk, new brochure rack, new posters displays, new interior storefront doors, and wall & ceiling treatments.
New storefront doors at entrance to Founders Room.
Replacement of existing handrails with new handrails at Lobby & Gallery ramps.
Electrical & lighting improvements.
New plumbing to provide hot water to certain bars & bathroom locations.
Patrons Lounge remodeling including new A/C units, ductwork & associated roofing.
Replacement of restrooms rooftop exhaust fans and associated electrical & roofing work.

The Administration recommends the City Commission consider whether or not to exercise its waiver authority and then award a Contract to either the lowest bidder Tran Construction, Inc., or Miami Skyline. Tran Construction's bid proposal for the Base Bid and Alternates 1 and 4 is \$279,000 lower than the bid received by Miami Skyline. Since present funding is sufficient to only address the combination of Tran Construction's Base Bid w/Alternates 1 & 4, any award to Miami Skyline will include only Alternate 1 and will not include Alternate 4.

Advisory Board Recommendation:

The Miami Beach Convention Center Capital Oversight Committee approved the project on April 24, 2001.


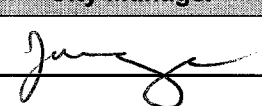
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	4 \$228,200	441.2400.069358	
	5 \$20,000	441.2305.069358	
	6 \$82,883	441.2257.069358	
	7 \$200,000	441.2352.069358	
	8 \$300,000	441.2399.069358	
	9 \$72,777	441.2351.069358	
	Total \$1,996,000.00		

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL _____ TH _____	RCM 	

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AGENDA ITEM

R7A

DATE

2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING BY 5/7THS VOTE, THE PROHIBITION OF TRAN CONSTRUCTION, INC. FROM SERVING AS A VENDOR WITH THE CITY PURSUANT TO MIAMI BEACH CITY CODE SECTION 2-487 (B)(4)); PROVIDED THE AFORESTATED WAIVER IS HEREIN GRANTED, AWARDING A CONTRACT TO THE LOWEST AND BEST BIDDER, TRAN CONSTRUCTION, INC., IN THE AMOUNT OF \$1,996,000 FOR THE BASE BID, ADD ALTERNATE NO. 1 AND ADD ALTERNATE NO. 4, PURSUANT TO BID NO. 10-03/04 FOR THE ADA AND INTERIOR RENOVATIONS FOR THE JACKIE GLEASON THEATER OF THE PERFORMING ARTS; AND, PROVIDED, IN THE EVENT THAT THE AFORESTATED WAIVER IS HEREIN NOT GRANTED, AWARDING A CONTRACT TO THE THEN LOWEST AND BEST BIDDER, MIAMI SKYLINE, IN THE AMOUNT OF \$1,975,000 FOR THE BASE BID AND ADD ALTERNATE NO. 1 ONLY.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission consider utilizing specific waiver authority granted under City Code Section 2-487(B)(4) in order to award a construction contract to Tran Construction, Inc. Tran Construction is currently the lowest bidder for the above named project, but is presently ineligible to receive an award of contract unless a waiver pursuant to this section is granted. The Administration is recommending that the Base Bid and Alternates 1 & 4 be awarded. The difference in cost between the lowest bidder and the second lowest bidder for the same Base plus alternate combination is \$279,000. Present funding is insufficient to award this entire combination to the second lowest bidder at this time, but it is anticipated that Alternate 4 may have to be added at a later date. The Administration recommends that an award be made at this meeting in order to meet the tight timelines required to complete the Base Bid portion of the project.

FUNDING

Funding for construction in the amount of \$1,996,000.00 and additional funds for a 10% contingency and for construction management is available from the Convention Development Tax (CDT) Fund 441.

Total funding in the amount of \$ 35,000,000 has been appropriated from Fiscal Year (FY) 96/97 through 03/04, for the Convention Center and Jackie Gleason Theater of the

Performing Arts (TOPA) Capital Projects. Pursuant to the City Commission request for balance updates to be current preliminary figures through February 17, 2004 show \$26,260,560.21 disbursed, with an additional \$ 4,648,604.45 encumbered for projects in progress. It is estimated that the City will need to expend funds from the \$10,000,000 held for the Cultural Arts Council before the end of FY 03/04.

ANALYSIS:

In 1996, the City retained the Architectural firm of R.J. Heisenbottle Architects, P.A. to conduct a survey of both TOPA and the Convention Center to identify those areas that were not in compliance with the provisions of the Americans with Disabilities Act (ADA), and to prepare an estimate of the costs of the modifications needed to comply with the ADA. As a result of this study, the City budgeted funds to renovate certain of the restrooms at the Miami Beach Convention Center (Convention Center) and the Jackie Gleason Theater of the Performing Arts (TOPA), as well as for the replacement of doors and door hardware to bring both buildings into compliance with the requirements of the ADA.

The City issued an RFQ for the design services to undertake this project. On February 9, 2000, an Agreement was executed between the City and A.R.I. Architects, Inc. (d/b/a: SKLARchitecture, (Consultant)), for professional Architectural and Engineering services to develop plans, specifications and construction documents for the renovation of the Convention Center and TOPA to provide ADA-compliant door hardware and to refurbish a lounge and two lobbies, and certain restrooms in both buildings for a maximum fee of \$283,451.

On March 3, 2003, invitation to Bid No. 27-02/03 was issued for the Jackie Gleason Theater of the Performing Arts (TOPA) ADA and interior renovations, resulting in the receipt of 10 bids.

On April 30, 2003, the Mayor and City Commission awarded a contract to Romano Brothers Construction Inc. (Romano Brothers) as the lowest responsive bidder. On May 7, 2003, Romano Brothers informed the City of its decision not to honor their bid due to an error in their bid pricing. Subsequently, staff analyzed the option of rescinding the contract award to Romano Brothers and awarding a contract to the next lowest responsive bidder. However, staff determined that an award pursuant to this bid, after the April 30, 2003 Commission meeting, would jeopardize the timely Substantial Completion of Phase I of the project.

On May 19, 2003, a bid protest was submitted by the apparent second lowest responsive bidder, Regosa Engineering, Inc. (Regosa).

At the City Commission meeting of June 11, 2003, staff recommended that the City Commission rescind the contract award to Romano Brothers and reject all bids. The

project could then be re-bid for construction during TOPA's next break in scheduled events. The Romano Brothers's award was rescinded, but the City Commission directed staff to negotiate a contract with the apparent second lowest responsive bidder, Regosa, subject to discussions and Regosa's willingness to honor their bid price until mid 2004.

As part of the bid evaluation process, City staff performed a review of Regosa's references for compliance with contract provisions, which required the contractor to have completed projects of a certain size and scope and to have had experience in the type of renovation involved. This evaluation was not undertaken prior to the June 11, 2003 City Commission meeting since a rejection of all bids was recommended and the Administration had no advance indication that the Commission would consider a bid award.

Upon review of the Regosa's completed projects, the City's Consultant, SKLARchitecture, and the City's Program Manager, URS Corporation, and the Administration did not recommend Regosa for failure to demonstrate successful completion of similar projects.

On November 20, 2003, this item was presented at the Finance and Citywide Projects Committee meeting. Committee members concurred with staff's recommendation to reject bids.

At the City Commission meeting of December 10, 2003, the City Commission approved rejection of all bids.

Invitation to Bid No. 10-03/04 was issued for the re-bid of the Jackie Gleason Theater of the Performing Arts ADA and Public Interior Design Enhancement Renovations on December 19, 2004, with an opening date of February 10, 2004. A pre-bid conference and site inspections were held on January 13, 2004, January 15, 2004, and January 29, 2004. BidNet issued bid notices to prospective bidders, resulting in 45 Vendors requesting bid packages, which resulted in the receipt of 4 bids.

The work specified in this bid consists of furnishing all materials, labor, equipment, supervision, mobilization, overhead & profit required to provide but not limited to the following:

1. Renovation of 20 restrooms broken down as follows:
 - 5 women & 5 men public restrooms
 - 1 women & 1 men employee restrooms, 1 Unisex restroom
 - 7 Dressing Room restroomsThe restrooms will be reconfigured, re-plumbed as required and be provided with new fixtures and new finishes resulting in improved ADA compliant toilet facilities.
2. Removal of existing doors as noted on plan & Replacement of doors, frames & door Hardware, with improved ADA-compliant hardware.
3. Replacement of existing Handicap lift with New Motorized ADA lift.

4. Demolition of existing Exterior Ramp and creation of a new exterior ADA Ramp with railings and associated structural work. (Minor landscaping required).
 5. Lower a ticket window of the box office to be ADA – compliant.
 6. Dressing Rooms & Dressing room bathroom improvements.
 7. Renovation of Main Lobby Galleries, and entranceways including wall coverings, ceilings, and lighting.
 8. New and renovated bars:
 - 3 New Bars – First Floor
 - 2 Renovated Bars – First Floor
 - 1 New Bar – Second Floor
 9. New Concierge Desk.
 10. New Merchandise Counter.
 11. Box Office renovations including:
 - a. New media desk.
 - b. New Brochure Rack
 - c. New posters displays.
 - d. Wall & Ceiling treatments.
 - e. New Interior Storefront doors.
 12. New Storefront doors at entrance to Founders Room.
 13. Replace existing handrails with new handrails at Lobby & Gallery ramps.
 14. New decorative Curtains as shown on plans.
 15. Electrical & lighting improvements.
 16. New Plumbing to provide hot water to certain Bar & Bathroom locations.
 17. Patrons Lounge remodeling per plans and repair damaged sub floor & repair mildew drywall or replace.
 18. New A/C units & ductwork & associated roofing for the Patrons Lounge.
 19. Replacement of existing restrooms rooftop exhaust fans and associated electrical & roofing work.
 20. Initial testing of existing exhaust fans and test & balance upon completion of work. All testing to be by a certified & approved Test & Balance company.
- The work above includes but is not limited to Demolition, Concrete work, Concrete patching, Masonry, Stucco Steel Doors & Frames, Access Doors, Plumbing, Waterless

Urinals Toilet fixtures, Bathroom Accessories, European Toilet compartments, Terrazzo Tile, Granite, carpet, Paint, Mirror, Marble work, Gypsum wall board, Metal work, Metal stud framing, Metal ceiling, Acoustical ceiling tile, Decorative Wall Finishes: Duroplex – textured acrylic coating, Metallic Paint, Heating, Ventilation & Air conditioning Ductwork replacement and rerouting, Fire Sprinkler Systems, Electrical Systems, Lighting, Life Safety & Fire Alarm features, Exhaust Fans, Roofing.

This bid is a lump sum bid but in addition there are Add alternates which consists of the following:

Alternate # 1 Add Balcony Extension

Alternate # 2 Add Bar "L".

Alternate # 3 Add Bar "P & Q" *

Alternate #4 Add Renovation of 6 restrooms and Founders room interior renovations *

Because of funding concerns and construction schedule, additional scope was removed from base bid resulting in two additional alternates (3 & 4)* at time of bidding. These were introduced as part of Addendum #3. Because of TOPA's stringent event schedule, the City Commission would have to approve the award of this contract at its February 25 Commission Meeting. If this process is delayed, the City runs the risk in missing the Convention Center event window for construction for this project in 2004.

WAIVER OF THE PROHIBITION OF TRAN CONSTRUCTION FROM SERVING AS A VENDOR

The lowest bidder is Tran Construction, Inc. However, Tran Construction directly contributed to a candidate who has been elected to the office of Commissioner. Pursuant to Section 2-487(A)(3) of the City Code, ***a person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of Mayor or Commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the City.***

Tran Construction contributed to a candidate's campaign on October 28, 2003. The candidate who received the campaign contribution was sworn into office on November 18, 2003. Therefore, Tran Construction is disqualified from serving as a vendor until November 18, 2004, ***unless*** the City Commission waives, after a Public Hearing, by 5/7ths vote, the requirements of Section 2-487(A)(3) for this particular contract award.

BASIS FOR WAIVER

A basis for a waiver is found in Section 2-487(B)(4), which states that ***a contract for the provision of goods, equipment or services exists which, if terminated by the City, would be adverse to the best economic interests of the City.*** Tran's bid for the Base, Add Alternate 1 and 4 totals \$1,996,000. The next low bidder's bid for the Base, Add Alternate 1 and 4 totals \$2,275,000. Should the City Commission not grant the waiver, and award a contract to the second ranked bidder, there are not sufficient funds available

to complete Add Alternate #4, which is an important component of the project and consists of the following:

1. Renovation of 6 restrooms broken down as follows:
 - a. 3 women & 3 men Public Bathrooms. Specifically Bathrooms #1,2,5,7,9.
2. Founders room interior renovation including:
 - a. New A/C package unit & associated roofing.
 - b. Demolition of existing Bar.
 - c. Fabrication of new Bar.
 - d. New Ceilings & Lighting.
 - e. Painting, Curtains & other finishes.

Should the City Commission decide to grant a waiver, then there are sufficient funds available to complete Add Alternate #4 with an award to Tran Construction.

Dun and Bradstreet reports and Financial Statements have been secured for Tran Construction, Inc. and this General Contractor comes highly recommended. Tran Construction, Inc. has been in business since 1998 as a General Contractor, and additionally, the references checked for this contractor have shown that they have provided numerous General Commercial Construction projects with an emphasis on interior and restroom renovations.

The following are several references that were secured collaboratively by City's Procurement staff and URS, the City's Program Manager for this project:

1. Mr. Robert Cardenas
Fox Sports/PSNNetwork
Interior Renovations for TV Network totaling \$1.1 million
"Tran's performance and the finishes used in the renovation project for the TV network were confirmed; the finishes used in this project were high-end quality finishes required in Section 05000 for this project. We were very pleased with the quality of the work and the professionalism exhibited by Tran staff. Tran Construction, Inc. provided value engineering to the project and was able to suggest cost saving alternatives, as well as complete the project one week ahead of schedule."
2. Joe Mixon
United Airlines
New Cargo Building Corporate Office totaling \$980,000
"Tran Construction came in within budget, on time and provided no claims. They provided high-end finishes that were part of the scope of the corporate offices such as terrazzo tile, wood cabinetry and other specialized finishes. We are very pleased with the high quality of the work performed. Furthermore, Tran was very responsive to our needs, and would like to work with Tran again."
3. Pablo Cejas

PLC Investments

Renovation of 420 Lincoln Road Building totaling \$11 million

"Our project consisted of the renovation of an historic landmark built in 1940. The interior and exterior renovation included marble, terrazzo tile, granite, keystone, high end woodwork including cabinetry, and storefront glass. The building is a mixed use of tenant space and offices with very high end finishes that required attention to detail and historic reference. We are very pleased with the quality of Tran Construction's work and would not hesitate to use Tran again on other projects. Tran delivered the project within the budget and timeframe specified in their contract."

4. Mr. Van Antle

Broward Performing Arts Center

Interior Renovation of the Broward County Performing Arts Center totaling \$524,000

"We are very pleased with the quality of Tran's work as well as their responsiveness, reliability, professionalism and the ability to complete the project on time and within budget. Also, we were very impressed with Tran's ability to work well with the Architect of record regarding changes in the work. The BPAC project consisted of very high end finishes and attention to detail and craftsmanship. Some of the finishes Tran provided include mahogany, cherry wood, rose marble, terrazzo, and keystone. Worth to mention is the quality of the millwork, it was very good."

In the event that this project is not awarded to the lowest bidder, Tran Construction, Inc. The Procurement staff has secured reference checks and Dun and Bradstreet reports for Miami Skyline, Inc., the 2nd lowest bidder. The references are as follows:

1. Ms. Liz Calvo

Key Investments, Key Biscayne

Project Cost: \$500,00 +

Residential Construction of Luxury Homes

"Contractor is responsible, professional, knowledgeable and eager to please the client."

2. Mr. Daniel Garivato

G & G Laboratories, Miami, Florida

Project Cost: \$840,000

Complete Interior Remodeling of Offices, Lobby and Interior of Building

"Highly recommend this Contractor, the Contractor performed good quality work."

3. Mr. Ed Bywaters

Benvenuto / Lieberman Residence

Project Cost: \$1,275,000

New Construction of Ocean Front Luxury Home

"We highly recommend Miami Skyline Construction; they met all our budget and milestone schedule submittals"

4. Ms. Malka Rodriguez

Tropical Park Bathroom Renovations, Miami, Florida

Project Cost: \$1,900,000

Renovations of Existing Park Restrooms.

"Miami Skyline was highly responsive to our demands and suggestions, we recommend this contractor for any future projects they may undertake."

Upon execution of the contract with Tran Construction, Inc. two (2) Notices to Proceed will be issued. The Contractor shall commence scheduling activities, permit applications and other pre-construction work within five (5) calendar days after the Project Initiation Date, which shall be the same as the date of the first Notice to Proceed.

Time is of the essence throughout this Contract. This project encompasses Two Phases. Phase I shall be substantially completed within 150 calendar days after the 2nd issuance of the Notice to Proceed. Final Completion shall be achieved within 30 calendar days thereafter.

Phase II shall be substantially completed within 90 calendar days after Substantial Completion of Phase I. Final Completion shall be achieved 30 calendar days thereafter.

CONCLUSION:

Based on the analysis, the Administration recommends that the City Commission consider utilizing specific waiver authority granted under City Code Section 2-487(B)(4) in order to award a construction contract to Tran Construction, Inc. Tran Construction is currently the lowest bidder for the above named project, but is presently ineligible to receive an award of contract unless a waiver pursuant to this section is granted. The Administration is recommending that the Base Bid and Alternates 1 & 4 be awarded. The difference in cost between the lowest bidder and the second lowest bidder for the same Base plus alternate combination is \$279,000. Present funding is insufficient to award this entire combination to the second lowest bidder at this time, but it is anticipated that Alternate 4 may have to be added at a later date. Upon the determination of whether or not to grant the waiver, the lowest and best bidder will be either Tran Construction, Inc. or Miami Skyline, Inc. The Administration recommends that an award be made at this meeting in order to meet the tight timelines required to complete the Base Bid portion of the project.

JMG/RCM/TH/mb

Attachments

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BID TABULATION**Bid 10-03/04 – ADA and Interior Renovations for the Jackie Gleason Theater of the Performing Arts****Tabulated Bid Result**

<u>Company</u>	<u>Base Bid</u>	<u>Add Alt. 1</u>	<u>Add Alt. 2</u>	<u>Add Alt. 3</u>	<u>Add Alt. 4</u>	<u>GRAND TOTAL</u>
Tran Construction, Inc.	\$1,859,000	\$12,000	\$32,000	\$64,000	\$125,000	\$2,092,000.00
Miami Skyline Construction, Inc.	\$1,950,000	\$25,000	\$40,000	\$90,000	\$300,000	\$2,405,000.00
Cazo Construction, Inc.	\$2,430,240	\$35,000	\$40,000	\$80,000	\$500,000	\$3,085,240.00
AFCO Construction	\$2,713,284	\$33,630	\$45,546	\$76,720	\$617,843	\$3,487,023.00

Award Recommendation: Base Bid plus Add Alt. 1 & 4

<u>Company</u>	<u>Base Bid</u>	<u>Add Alt. 1</u>	<u>Add Alt. 4</u>	<u>GRAND TOTAL</u>
Tran Construction, Inc.	\$1,859,000	\$12,000	\$125,000	\$1,996,000.00
Miami Skyline Construction, Inc.	\$1,950,000	\$25,000	\$300,000	\$2,275,000.00
Cazo Construction, Inc.	\$2,430,240	\$35,000	\$500,000	\$2,965,240.00
AFCO Construction	\$2,713,284	\$33,630	\$617,843	\$3,364,757.00

CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, February 25, 2004, at 10:45 a.m.** The purpose of the public hearing is for the City Commission to consider waving, by 5/7 vote, the prohibition of a campaign donor serving as a vendor with the City (per Miami Beach City Code Section 2-487 (B)(4)).

Inquiries may be directed to Procurement Department (305) 673-7490.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0246)

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RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving the creation of Restricted Residential Parking Permit Zone 12/Upper West Avenue (13th Street to Dade Boulevard Canal) Neighborhood.

Issue:

Should the Mayor and Commission approve a restricted residential parking zone for the Upper West Avenue neighborhood?

Item Summary/Recommendation:

The Administration has held two (2) publicly noticed workshops on August 27 and December 2, 2003, with affected residents and area businesses to receive input and comments regarding the establishment of a residential parking zone. At both workshops, a majority of the participants voted to proceed with the establishments of said restricted residential parking zone. **The Administration recommends the adoption of the Resolution.**

Advisory Board Recommendation:

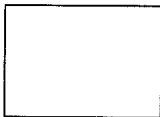
Initially discussed on October 7, 2003, the TPC reviewed the Administration's recommendations regarding Upper West Avenue and deferred the item for a period of sixty (60) days and recommended that the Administration provide more information regarding [parking] utilization in the area and hold a second workshop with affected residents and the neighboring commercial corridors (Alton Road, Lincoln Road, etc.). The Administration proceeded with these recommendations and conducted a parking space utilization survey and a second publicly noticed workshop was held at 6:00 P.M. on December 2, 2003. In addition, the Miami Beach Chamber of Commerce sent notices to all businesses in their database located in the affected areas. There were 21 persons in attendance and a variety of issues were discussed, including zone boundaries, locations where permits would be honored, and various metered areas where the permit would be honored on a first-come, first-served basis. No one in attendance represented the Alton Road commercial corridor. The Workshop resulted in 19 of 21 participants endorsing the program as discussed.

The TPC discussed this item on January 5, 2004, and endorsed the Upper West Avenue Residential Parking Permit Program with the proviso that parking meters be added to the 1200 blocks (Alton Court to West Avenue between 13th Street and Lincoln Road) and that the Upper West Avenue Residential Permit be honored at these on-street meters and at off-street meters in Municipal Parking Lot 4D, located on the 1600 block of West Avenue on a first-come, first-served basis. The motion was passed unanimously; however, a committee member had concerns with the inclusion of the municipal lot after the vote and requested that the item be reconsidered. The Committee was polled on the motion to reconsider and the motion failed. The Committee member was advised that this recommendation would be presented to the City Commission for ratification at a public hearing. **The Transportation and Parking Committee endorsed the Administration's recommendation at their regularly scheduled meeting held on January 5, 2004.**

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7B
DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

PUBLIC HEARING

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CREATION OF RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 12/UPPER WEST AVENUE (13TH STREET TO DADE BOULEVARD CANAL).

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City's Parking Department has received a request in the form of a petition from Upper West Avenue residents to create an RPP (Residential Parking Permit) zone for the Upper West Avenue neighborhood. The following is a summary of the Parking Department's findings and actions regarding this request:

The Upper West Avenue neighborhood is bounded by Alton Court (alley) on the east, Biscayne Bay on the west, 13th Street on the south, and the Dade Boulevard canal on the north. A restricted residential parking program is recommended due to intrusion from predominantly the commercial area (Alton Road) and to a lesser extent, yet intrusive, from Restricted Residential Parking Zone Two displacing residential parking during various hours of the day for substantial periods of time. The following are various generators and hours during which residential parking is being displaced within the noted areas:

Generators of Parking (non-residential)

Employees of businesses on Alton Road
Patrons of Alton Road businesses
General visitors seeking "free" parking

Hours

Day/Evenings
Day/Night
Day/Night

Subsequently, a petition was received from residents of the Upper West Avenue neighborhood to develop and implement an RPP (Residential Parking Permit) Zone. The City of Miami Beach Parking Department formulated recommendations for affected residents to review, comment, and provide input. A publicly noticed Workshop was held at 6:00 P.M. on Wednesday, August 27, 2003, at the First Floor Conference Room of Miami Beach City Hall.

The Workshop was held in order to provide information and recommendations regarding the implementation of an RPP and request comments, suggestions, and input from the affected residents in order to develop a consensus. Notices were distributed in the neighborhood to residents within 375 feet of the affected areas. Participants had an

opportunity to review, comment, and provide input. A majority of the residents in attendance concurred with the recommendations which included various adjustments that arose from public comment and input. A vote was held at the end of the workshop and a majority voted to proceed with the establishment of said program. Residents were advised that the proposed residential program would be referred to the City's Transportation and Parking Committee and ultimately to the Mayor and City Commission for ratification. Subsequently, the Administration sent notices to all residents within 375 feet of the affected areas advising that the City's TPC (Transportation and Parking Committee) would review this issue on Tuesday, October 7, 2003. The TPC reviewed the Administration's recommendations regarding other proposed residential parking programs, including Lake Pancoast, the 500 block of Espanola Way, and Upper West Avenue. Upon review, public comment, and discussion amongst the Committee members, the TPC endorsed the Lake Pancoast residential program and the amendments to the existing Residential Parking Permit Zone Two (Flamingo Park) expansion which would include the 500 block of Espanola Way. However, after lengthy discussion, debate, and input from affected residents, the TPC deferred the Upper West Avenue Residential Program for a period of sixty (60) days and recommended that the Administration proceed as follows: (1) provide more information regarding [parking] utilization in the area and (2) hold a second workshop with affected residents and the neighboring commercial corridors (Alton Road, Lincoln Road, etc.). The Administration proceeded with these recommendations and conducted a parking space utilization survey which resulted with an average of 88% utilization of the 1200 blocks (Alton Road to West Avenue) between 13th Street and Lincoln Road. Residential use was defined by the non-metered areas between West Avenue and Alton Court (alley) with a utilization of 91% and the commercial use was defined by the metered areas between Alton Road and Alton Court between 13th Street and Lincoln Road with a utilization of 85%. Secondly, a notice was sent (direct mail) to all affected residents and businesses in the area. In addition, the Miami Beach Chamber of Commerce sent notices to all businesses within their database located in the affected areas effectively notifying them of the Workshop date, time, and location. (The Chamber of Commerce also provided their affected members with notification of this public hearing as well.)

The Workshop was held on Tuesday, December 2, 2003 at 6:00 P.M. There were 21 persons in attendance and a variety of issues were discussed, including zone boundaries, locations where permits would be honored, and various metered areas where the permit would be honored on a first-come, first-served basis. No one in attendance represented the Alton Road commercial corridor. Those in attendance were residents, a member of the TPC, or members of the Administration. The Workshop resulted in 19 of 21 participants endorsing the program as discussed.

The TPC discussed this item at their regularly scheduled meeting on January 5, 2004, and after lengthy discussions, endorsed the Upper West Avenue Residential Parking Permit Program with the proviso that parking meters be added to the 1200 blocks (Alton Court to West Avenue between 13th Street and Lincoln Road) and that the Upper West Avenue Residential Permit be honored at these on-street meters and at off-street meters in Municipal Parking Lot 4D, located on the 1600 block of West Avenue on a first-come, first-

served basis. The motion was passed unanimously; however, a committee member had concerns with the inclusion of Municipal Lot 4D after the vote and requested that the item be reconsidered unfortunately after the affected residents in attendance had left the meeting. The Committee was polled on the motion to reconsider and the motion failed. The Committee member was advised that this recommendation would be presented to the City Commission for ratification during a public hearing. The Committee member could then voice their concern during the public hearing.

For informational purposes, there are various residential parking zones where permits are honored at parking meters. The options currently available are: (1) honor residential permits at meters 24 hours, (2) honor residential permits at meters strictly during applicable residential zone hours (Monday to Friday/6:00 P.M. to 9:00 A.M. and Saturdays, Sundays, and Holidays/24 hours, and (3) residential permits not honored at meters at anytime. The following is a summary of the recommendations proposed for the Residential Parking Program:

Restricted Parking Boundaries:

South:	Centerline of 13 th Street
North:	Dade Boulevard Canal
East:	Alton Court (alley)
West:	Centerline of Bay Road or Biscayne Bay wherever street end (right-of-way) access is available and is zoned RM-1 or RM-2. (RM-3 will not be allowed to participate.)

Restricted Parking Hours:

Restricted residential parking hours/days is 6:00 P.M. to 7:00 A.M. Monday to Friday and 24 hours Saturday, Sunday, and Holidays.

Residential Parking Permit Zone Fees:

Annual Permit Fee*:	\$50.00 (plus tax) per vehicle.
Annual Visitor Hang-Tag*:	\$50.00 (plus tax) (one hang-tag per resident). Visitor "Scratch-Off" 24 Hour hang-tag: \$1.00 (plus sales tax) per hang-tag. Five (5) hang-tags may be purchased monthly up to six months in advance. Additional hang-tags are available for parties, social affairs, etc.

Requirements:

Bona fide residents of the Zone would be mailed a registration/decal purchase Package. Each resident that wishes to park vehicle(s) in the restricted parking areas outlined above must register to participate in the "Upper West Avenue" Residential Parking Permit Program (Zone12). Copies of the following documents would be required to register and purchase a decal/hang-tag for the zone:

- Government Issued Photo Identification.
- Proof of residency such as current (within last 30 days) utility bill (electric, gas, phone, etc.).
- Valid vehicle registration**

*Notes: *All annualized fees may be prorated semi-annually.*

***Vehicle registration(s) with outstanding parking violations will not be allowed to participate in the residential parking program. All outstanding parking violations must be satisfied prior to participation.*

Promulgation of Regulations:

Signs would be posted in the areas promulgating the appropriate restriction, including arrival signs warning drivers they are entering a restricted parking area as well as trailblazing signs to commercial parking facilities. Typically two to three signs per block face would be installed promulgating the parking restrictions. Vehicles parking within these posted areas must display a valid residential parking decal, visitor hang-tag, or "scratch-off" hang-tag.

Enforcement:

Progressive enforcement would commence on an agreed upon date for a period of thirty (30) days in the form of warnings. This would graduate to the issuance of parking citations for a period of thirty (30) days, and subsequently, vehicle impoundment may be necessary to properly enforce the parking regulations/restrictions.

Additional Parking Opportunities at Parking Meters (On and Off-Street) for Residents:

On-Street Locations: All parking meters between Alton Road and West Avenue (1200 block) and from 13th Street to Lincoln Road.

Off-Street Location: Municipal Parking Lot 4D, located on the 1600 block of West Avenue immediately south of Lincoln Road.

For informational purposes, the notification efforts to all affected residents and businesses were extensive. There were three publicly noticed meetings held prior to today's City Commission's public hearing for a total of four public meetings on the subject (Workshops on Wednesday, August 27, 2003 and December 2, 2003; Transportation and Parking

Committee Meeting on October 7, 2003 and again on January 5, 2004, and City Commission Meeting on February 25, 2004. Notification of this and all other meetings were issued through the public notice process, including direct mail, to all affected residents for each of the meetings held. Notices were also mailed to all properties within 375 feet of the affected boundaries. Moreover, the Miami Beach Chamber of Commerce further assisted the notification process by sending notices to their membership.

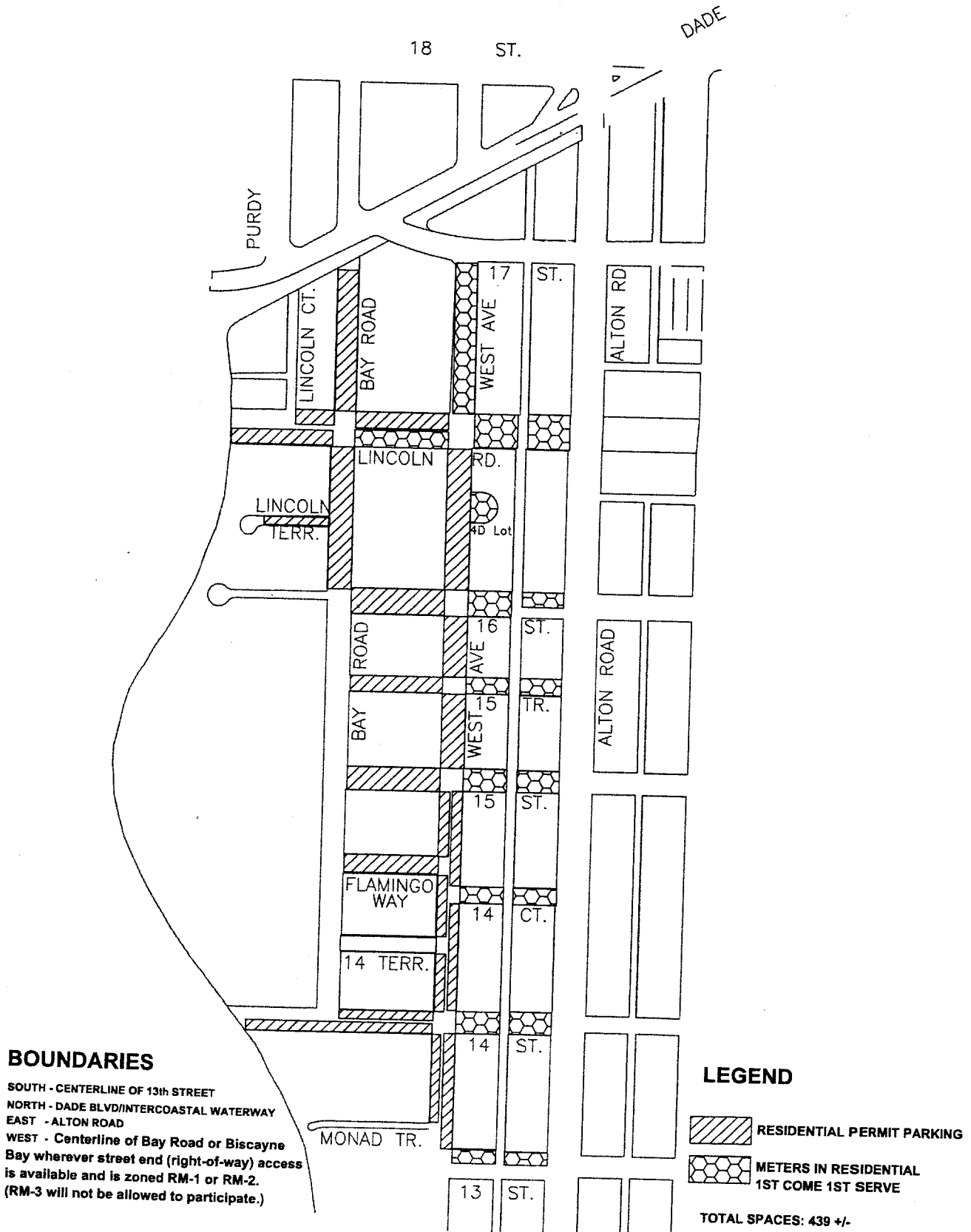
CONCLUSION

The Administration recommends that the Mayor and Commission approve a resolution to create Residential Parking Permit Zone 12 for the Upper West Avenue neighborhood, as described herein.

JMG/CMC/SF
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**PROPOSED RESIDENTIAL ZONE 12
(UPPER WEST AVENUE)**



RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE
CREATION OF RESTRICTED RESIDENTIAL PARKING PERMIT
ZONE 12/UPPER WEST AVENUE (13TH STREET TO DADE
BOULEVARD CANAL).**

WHEREAS, the Upper West Avenue neighborhood is bounded by Alton Road on the east; Biscayne Bay on the west; 13th Street on the south; and the Dade Boulevard canal on the north; and

WHEREAS, a residential parking program is recommended by the Administration due to intrusion noted from the abutting commercial corridor and an adjacent residential zone displacing residential parking during various hours of the day for substantial periods of time; and

WHEREAS, residents of the Upper West Avenue neighborhood have submitted a petition requesting the establishment of a restricted residential permit parking program for their neighborhood; and

WHEREAS, the Administration has reviewed and surveyed the areas in question and formulated boundaries, including the following streets and cross-street for inclusion in the program:

South:	Centerline of 13 th Street
North:	Dade Boulevard Canal
East:	Alton Court (alley)
West:	Centerline of Bay Road or Biscayne Bay wherever street end (right-of-way) access is available and is zoned RM-1 or RM-2. (RM-3 will not be allowed to participate.)

WHEREAS, a publicly noticed workshop was held on August 27, 2003, in order to discuss and receive input from affected residents and businesses for the establishment of a residential parking program for the Upper West Avenue neighborhood; and

WHEREAS, the City's Transportation and Parking Committee received public input from affected residents and discussed this item at a regularly scheduled (publicly noticed) meeting of the Committee on October 7, 2003; however, the Committee deferred the item and requested that the Administration provide: (1) more information regarding [parking] utilization in the area and (2) hold a second workshop with affected residents and the neighboring commercial corridors (Alton Road, Lincoln Road, etc.); and

WHEREAS, the Administration proceeded with these recommendations by conducting a parking space utilization survey and holding a second Workshop with affected residents and businesses in the area on Tuesday, December 2, 2003 at 6:00 P.M.; and

WHEREAS, no one in attendance represented the Alton Road commercial corridor and those in attendance were residents, a member of the TPC, and members of the Administration and the Workshop resulted in 19 of 21 participants endorsing the program as discussed; and

WHEREAS, the City's Transportation and Parking Committee discussed this item at their regularly scheduled meeting on January 5, 2004, and after lengthy discussions, endorsed the Upper West Avenue Residential Parking Permit Program with the proviso that parking meters be added to the 1200 blocks (Alton Court to West Avenue between 13th Street and Lincoln Road) and that the Upper West Avenue Residential Permit be honored at these on-street meters and at off-street meters in Municipal Parking Lot 4D, located on the 1600 block of West Avenue on a first-come, first-served basis and the motion; and

WHEREAS, the City's Transportation and Parking Committee endorsed the recommendations of the Administration to create Restricted Residential Permit Parking Zone 12/Upper West Avenue.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the creation of Restricted Residential Parking Permit Zone 12/Upper West Avenue (13th Street to Dade Boulevard Canal), as set forth above is hereby approved.


PASSED AND ADOPTED this _____ day of _____, 2004

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-19-04
Date

**CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING**



NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, February 25, 2004, at 5:01 p.m., to consider the establishment of a restricted residential parking zone for the Upper West Avenue (13th Street to Dade Boulevard Canal) neighborhood.

Inquiries may be directed to the Parking Department (305)673-7505.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

**Robert E. Parcher, City Clerk
City of Miami Beach**

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #243

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution approving the City's 2004/2005 Federal Legislative Priorities

Issue:

Shall the City adopt and pursue funding and legislative priorities in Washington, D.C.?


Item Summary/Recommendation:

Each year, the City adopts funding and legislative priorities to be supported in Washington D.C. Items include annually recurring items such as beach renourishment, infrastructure, transportation and greenways, and new items for the 2004/2005 agenda include Old City Hall, National Heritage Area designation, and Law Enforcement Initiatives.

Advisory Board Recommendation:

N/A

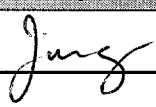
Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1	N/A		
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Kevin Crowder, Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

R7C

DATE

2-25-04

CITY OF MIAMI BEACH


CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager 

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CITY'S 2004/2005 FEDERAL LEGISLATIVE AGENDA.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Resolution.

ANALYSIS:

On February 12 and 13, 2004, the City's Federal Lobbyists (Jorden Burt) met with the Mayor, City Commissioners, and Administrative staff to discuss the Legislative Priorities for the 2004/2005 Federal Legislative Agenda.

The proposed list of priorities for the 2004 Congressional Session was compiled by the City's Federal Lobbyists, the Office of the Mayor and City Commission and the City Administration and is attached. The proposed agenda continues to include Beach Renourishment, Transportation, Infrastructure and Greenway initiatives, and has been expanded to include items related to Law Enforcement, Canal Cleanup, Old City Hall, National Heritage Area designation, and the 10th Street Auditorium. A draft legislative package that will be submitted to Congress is attached for review.

The City's Federal Lobbyists will continue to work with the City's Grant's Management Office in the pursuit of additional funding, especially as it relates to Homeland Security.

The Administration recommends that the City Commission adopt the attached Resolution.

Attachment

JMG/CMC/KC
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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING
THE CITY'S YEAR 2004/2005 FEDERAL LEGISLATIVE
AGENDA.**

WHEREAS, the City must avail itself of all potential sources of funds; and

WHEREAS, Federal legislation may need to be enacted to protect and enhance the City's interests; and

WHEREAS, it is imperative that the City's legislative consultant is aware of, and has a list of, City priorities; and

WHEREAS, the City's Federal legislative team has met with the Mayor, City Commissioners, and the Administration relative to the City's needs and priorities with regard to the Year 2004/2005 Federal Legislative Agenda; and

WHEREAS, the City's Federal legislative team has also met with City Department heads and staff to ascertain their needs; and

WHEREAS, the City's numerous Federal-level needs have been assessed and prioritized to produce the most effective use of its legislative team.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the recommended Federal Legislative Priorities for the Year 2004/2005 Federal Legislative Agenda be approved, as more specifically set forth in the attached Exhibit A.

PASSED and ADOPTED this _____ day of _____, 2004.

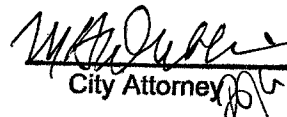
Mayor

ATTEST:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2003\FEB2603\REGULAR\FEDERAL PRIORITIES RESO.DOC

 2-18-04
City Attorney Date

FUNDING PRIORITIES

ENERGY AND WATER APPROPRIATIONS BILL

Beach Renourishment and Erosion Control

- \$2.3 Million for Breakwater Project
- Support for Dade County Request of Ongoing Beach Renourishment Activities

TRANSPORTATION

Transit Facilities

- Extension of FY0102 \$2.9 Million Appropriation for use in the 5th and Alton Transit Facility
- \$2 Million for Miami Beach Intermodal (New World Symphony Soundspace? / St. Francis?) from the Bus and Bus Facilities Account

Atlantic Corridor Greenway Network

- \$4 Million for the Atlantic Corridor Greenway Network from the Transportation and Community System Preservation Account

Local Circulator Service

- \$2 Million for Local Circulator Service from the Bus and Bus Facilities Account

TEA-21 Reauthorization

- Atlantic Corridor Greenway Network

VA/HUD APPROPRIATIONS BILL

Stormwater Infrastructure Improvements

- \$9 Million for Stormwater Infrastructure Improvements from the EPA STAG Account

Economic Development Initiative

- \$??? for Bandshell Park
- \$5 Million for the North Beach Cultural Center

LABOR/HHS AND INTERIOR APPROPRIATIONS BILL

Historic City Hall Restoration

- \$??? for the restoration of Historic City Hall from the Save America's Program

Art Deco Historic District Interpretive Center

- \$??? for the Art Deco Historic District Interpretive Center from the Institute for Museum and Library Services

JUSTICE APPROPRIATIONS BILL

Miami Beach Law Enforcement Technology Project

- \$3 Million for Law Enforcement Technology Project – Law Enforcement Record Management System, laptops for vehicles.

Community Policing

Exhibit 'A'

NON-FUNDING PRIORITIES

DEPARTMENT OF INTERIOR

National Heritage Area

- Work with Department of Interior to begin National Heritage Area designation process

DEPARTMENT OF EDUCATION

Unify State and Federal Accountability Systems

- If the State has an accountability plan that is approved by the United States Department of Education as meeting the intent of NCLB, then that state plan determines whether a school is meeting annual yearly progress. The City urges the State to pursue acceptance of the State program as an alternative to the federal accountability requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care

- Mount Sinai has no Federal Priorities at this time; there is opportunity for discussion of federal issues by the Health Advisory Committee.

ARMY CORPS OF ENGINEERS

Beach Renourishment

- Address Long Term Sand Source issue

Canal Cleanup

- Seek any federal assistance that may be needed to expand scope of Biscayne Bay Study to include Miami Beach canals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Affordable Housing

- Oppose reduction of money designated for affordable housing programs

Homeless Assistance

- Design homeless programs so that they fit the needs of the people they serve, rather than programs that the needy must fit into

Elder Affairs

- Opportunity to identify a senior demonstration project that qualifies for federal funding

ECONOMIC DEVELOPMENT ADMINISTRATION

5th and Alton Transit Facility

- Pursue all available benefits related to brownfields for the 5th and Alton Transit Facility project.
- Seek EDA funding to assist with public infrastructure costs associated with the development of the 5th and Alton Transit Facility.

FEMA

Federal Flood Plain Requirements

- Architecturally Significant Homes

APPROPRIATION REQUESTS

ENERGY AND WATER APPROPRIATIONS BILL

Beach Renourishment and Erosion Control

- \$2.3 Million for Breakwater Project
- Support for Dade County Request of Ongoing Beach Renourishment Activities

JUSTICE APPROPRIATIONS BILL

Miami Beach Law Enforcement Technology Project

- \$3 Million for Law Enforcement Technology Project – Law Enforcement Record Management System, laptops for vehicles.

TRANSPORTATION

Transit Facilities

- Extension of FY01/02 \$2.9 Million Appropriation for use in the 5th and Alton Transit Facility
- \$2 Million for Miami Beach Transit Facilities from the Bus and Bus Facilities Account

Atlantic Corridor Greenway Network

- \$4 Million for the Atlantic Corridor Greenway Network from the Transportation and Community System Preservation Account

Local Circulator Service

- \$2 Million for Local Circulator Service from the Bus and Bus Facilities Account

TEA-21 Reauthorization

- \$4 Million for the Atlantic Corridor Greenway Network

VA/HUD APPROPRIATIONS BILL

Stormwater Infrastructure Improvements

- \$9 Million for Stormwater Infrastructure Improvements from the EPA STAG Account

Economic Development Initiative

- \$3.4 Bandshell Park
- \$5 Million for the North Beach Cultural Center

LABOR/HHS AND INTERIOR APPROPRIATIONS BILL

Historic City Hall Restoration

- \$1.6 Million for the restoration of Historic City Hall from the Save America's Program

Art Deco Historic District Interpretive Center

- \$1 for the Art Deco Historic District Interpretive Center from the Institute for Museum and Library Services

OTHER PRIORITIES

DEPARTMENT OF INTERIOR

National Heritage Area

- Work with Department of Interior to begin National Heritage Area designation process

DEPARTMENT OF EDUCATION

Unify State and Federal Accountability Systems

- If the State has an accountability plan that is approved by the United States Department of Education as meeting the intent of NCLB, then that state plan determines whether a school is meeting annual yearly progress. The City urges the State to pursue acceptance of the State program as an alternative to the federal accountability requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care

- There is opportunity for discussion of federal issues related to health care and social service needs by the Health Advisory Committee.

ARMY CORPS OF ENGINEERS

Beach Renourishment

- Address Long Term Sand Source issue

Canal Cleanup

- Seek any federal assistance that may be needed to expand scope of Biscayne Bay Study to include Miami Beach canals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Affordable Housing

- Oppose reduction of money designated for affordable housing programs

Homeless Assistance

- Identify opportunities to meet local needs and provide flexibility within the regional Continuum of Care

Elder Affairs

- Opportunity to identify a senior demonstration project that qualifies for federal funding

ECONOMIC DEVELOPMENT PROJECTS

5th and Alton

- Pursue all available benefits related to brownfields for the 5th and Alton Transit Facility project.
- Seek Economic Development Administration funding to assist with public infrastructure costs associated with the project

New World Symphony Soundspace Project

- Seek Economic Development Administration funding to assist with public infrastructure costs associated with the development the project

FEMA

Federal Flood Plain Requirements

- Architecturally Significant Homes

City of Miami Beach, Florida **FY 2004/2005 Federal Agenda**

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BEACH RENOURISHMENT AND EROSION CONTROL

Request

\$2,300,000

Overview / Background

Dade County, Florida has approximately 15 miles of sandy beaches. The Miami Beach Segment makes up 10.5 miles or 70% of that beachfront area. The Miami Beach Segment is bounded to the north by Baker's Haulover inlet and to the south by Government Cut Inlet. The construction of these inlets, just after the turn of the century, left the Miami Beach Segment isolated between two complete barriers to along-shore sand migration. As a result, the Miami Beach Segment continuously loses sand through natural processes but can only regain sand through artificial means.



In the years that followed the construction of the inlets, the Miami Beach shoreline steadily receded. By the mid-1970s the shoreline had receded more than 500 feet and most of the sandy beaches had been lost. Property owners

were forced to build seawalls, bulkheads and other hardened structures to prevent the coastal infrastructure from being undercut by the encroaching tides.

In 1975, the U.S. Army Corps of Engineers (ACOE), in partnership with Miami-Dade County, initiated the Dade County Beach Erosion Control and Hurricane Surge Protection Project. At that time, Dade County and the ACOE entered into a 50-year contract for the joint management of Dade's sandy beaches. In 1979, the ACOE constructed a flood control dike (sand dune) and an "engineered" beach along the entire length of Miami Beach. The project added more than 300 feet to the width of the severely eroded beaches. The new beach was a tremendous success and has been credited for contributing significantly to the resurgence of our local economy.

Problem / Issue

Erosion

Engineers have determined that Miami Beach loses sand to erosion at an average rate of 250,000 cubic yards per year, with that rate increasing ten-fold during years of heavy storm activity. Faced with a continuing need for a quarter million tons of sand per year for the maintenance of our beaches and an exhausted supply of local sand, the City of Miami Beach realized that immediate action was needed to avert a crisis. Our initial reaction was to try to locate alternate sources of beach-quality sand. The City advertised its interest in locating sand sources, traveled across Florida & the Caribbean to visit potential sources, compiled a database of source location & quality information, and secured an invitation for the Army Corps of Engineers to conduct testing of several potential sources of high-quality carbonate sands in the Turks & Caicos Islands.

Safety - Protection of Life and Property

As a result of the continuing erosion process and more dramatically, recent intense storms which have caused tremendous damage to almost all of the dry beach and sand dune throughout the

middle segment of Miami Beach. Three years ago, most of the Middle Beach dune crossovers were declared safety hazards and closed, as the footings of the boardwalk itself were in immediate jeopardy of being undercut by the encroaching tides. If emergency measures, costing approximately \$400,000 had not been taken by the City, there would have been considerable risk of coastal flooding in residential sections of Miami Beach.

Lack of a Dedicated Sand Source

The sand used to nourish the beaches was hydraulically dredged from deposits of sand about a mile off our coast. More than 16 million cubic yards of sand were used during the initial beach construction and an additional 5 million cubic yards have been used in the periodic renourishment of segments of the project. However, the near shore deposits of sand, which have been the source for the renourishment projects, have been exhausted. There is not enough sand remaining to meet the immediate needs of the critically eroded shoreline areas nor are there any strategic reserves to be used in the event that our shorelines are ravaged by a hurricane or other natural disaster. The City remains committed to identifying alternate sources of sand and expediting the evaluation of the environmental, physical and economic viability of the potential sources, to ensure that sufficient quantities of beach-quality sand are available to fulfill our future needs. However, we have realized that continuing to pump sand on to our beaches without addressing the underlying causes of the erosion will leave us in an endless cycle of needing more, increasingly expensive sand.

<<INSERT PHOTO OF ERODED AREA HERE>>

Initiative / Project Description

If the erosion cycle can be successfully slowed, it would reduce the demand for additional sand and save millions of dollars in renourishment costs; not to mention the elimination of the environmental, public and legal challenges to renourishment projects. To achieve this goal, the City embarked upon a program to develop innovative technologies, which will help prevent beach erosion processes.

Analysis of our coastal system revealed the presence of several "hot spot" areas along our shoreline, which accounted for the majority of the sand losses. Analysis of the data also revealed the presence of an area of substantial sand accretion (accumulation) in a near shore area near the southern end of Miami Beach.

The causative factors behind these hot spots have been linked to changes in the shape (compass orientation) of the coastline and benthic topographical anomalies in the nearshore area. The worst of these hot spots exist within two half-mile long areas along our shoreline. These two hot spots have been shown to be responsible for the loss of almost 200,000 cubic yards of sand each year. The hot spots also accelerate the erosion of the adjacent beaches for as much as a mile to the north, as the sand from the adjacent beaches slough down to fill the voids within the hot spots. With beach renourishment costs of about \$14/cubic yard of sand, these hot spots are responsible for the loss of more than 2.5 million dollars annually.

After detailed examination of the available data and careful consideration of the possible alternatives, our coastal engineers have designed a series of detached breakwater structures which will significantly reduce the rate of erosion within these hot spot areas and help to stabilize large sections of our beach. The size and configuration of these structures have been carefully "tuned" to the specific conditions at each of the hot spot areas. Our coastal engineers estimate that the elimination of each hot spot will widen and stabilize approximately one mile of beach. It is believed that these benefits can be gained without significant negative impacts to the down drift beach areas or offshore reefs. The widening and stabilization of the eroded beaches will also enhance sea turtle nesting.

The City's master plan is to develop a series of erosion control breakwaters, positioned in key areas along the shoreline, to widen the beaches and slow the erosion process. Concurrent with the efforts to slow the beach erosion process, we plan to initiate a feasibility study/demonstration project to pursue an innovative and promising potential solution to our sand shortage problem. Our coastal engineers have identified the presence of a highly accretional near-shore area at the southern end of Miami Beach. The area is accreting sand at a rate of more than 200,000 cubic yards per year. Sand is accreting in the area because of the navigational Jetty that juts 1500 yards out to sea, along the

north side of the Government Cut Inlet, at the southern tip of Miami Beach. The jetty structure acts as a barrier, blocking the natural, southerly migration of the near shore sand lens, which causes the migrating sand to pile-up on the north side of the structure. As more and more sand piles-up, the sand lens builds and creeps offshore toward the end of the jetty. Because the seaward end of the jetty extends out to the first line of coral reefs which parallel our shoreline, the jetty and the reef line together form a 'trap' which prevents most of the sand from being able to move further south. This near-shore sand lens is continuing to build and will eventually 'over-top' the reef and smother living corals. If authorized, the City will seek to have the overfill accumulating at the southern end of the segment "back passed" or pumped back up to the eroded beaches at the northern end of our beach segment.

Local Match / In-Kind / Community Support

The City of Miami Beach and Dade County have jointly initiated an emergency effort to develop and construct breakwater reef structures in the worst of these hot spots. Construction of the first of set of breakwaters is complete and cost approximately \$900,000.

Local government has already made a substantial investment in the development of this process. If approved, this \$2,300,000 appropriation request will allow the City to continue the project. This project serves as a demonstration of the effectiveness of the Sand Recycling System and the importance of regional sediment management.

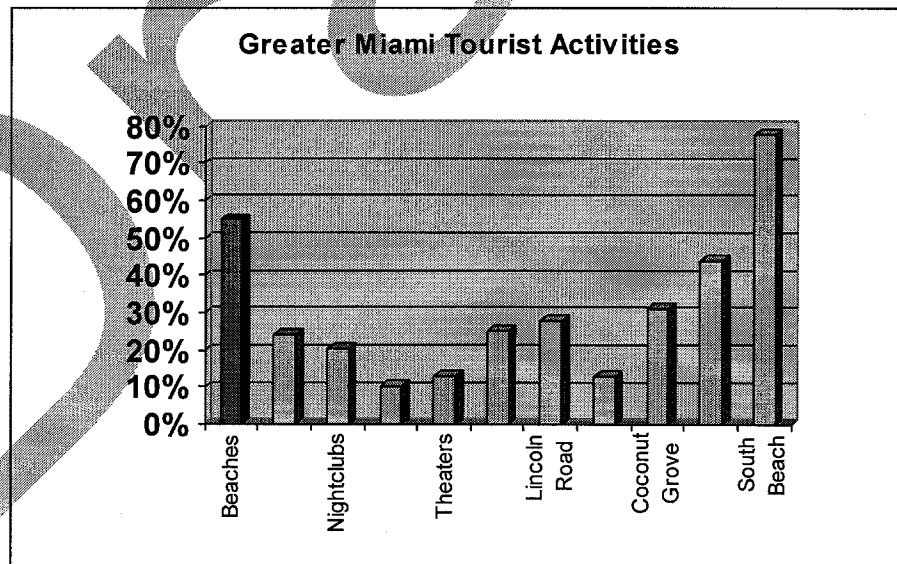
Benefits

Slow the Erosion Process and reduce future demand for resources

The ultimate goal is to utilize the breakwater structures to slow the erosion process, stabilize the beaches and cut the demand for new sand. Then, periodically, the excess fill that accumulates will be recycled back to the beaches at the north end of the system and the cycle will start over. This Sand Recycling System, if successful, will allow for the continued, effective maintenance of our beaches, while offering substantial financial and environmental benefits.

Tourism

Beaches are Florida's number one tourist attraction. In 2002, beach tourism generated more than \$16 billion dollars for Florida's economy and more tourists visited Miami Beach than visited the three largest national parks combined.



Protect Infrastructure / Federal Costs Savings

In addition to their vital economic importance, beaches are the front line defense for multi-billion dollar coastal infrastructure during hurricanes and storms. When beaches are allowed to erode away, the likelihood that the Federal government will be stuck with astronomical storm recovery costs is significantly increased.

LAW ENFORCEMENT INITIATIVES

Problem / Issue

Request

\$3 million for a Law Enforcement Technology Project

Initiative / Project Description

Local Match / In-Kind / Community Support

Benefits

Draft

TRANSIT FACILITIES / ECONOMIC DEVELOPMENT PROJECTS

Request

The City of Miami Beach is requesting an extension of a \$2.9 million appropriation from the 2001-2002 Bus and Bus Facilities account of the Transportation Appropriations Bill for use in a Miami Beach Transit Facility.

The City of Miami Beach wishes to pursue all Federal Benefits related to Brownfields for which the 5th and Alton project qualifies.

The City of Miami Beach will seek a grant(s) from the Economic Development Administration to assist with public infrastructure costs associated with the development these projects.

The City of Miami Beach is requesting a \$2 million appropriation from the Bus and Bus Facilities account of the Transportation Appropriations Bill for a transit facilities.

Overview / Background

The City of Miami Beach, in partnership with a private developer, plans to invest in a transit/retail project at the entrance to the City on the site of a designated brownfield.

Problem / Issue

Traffic

The traffic congestion caused by daily commuters, residents and visitors trying to traverse the city and vying for the scarce few available parking spaces seriously impedes access to area businesses, cultural/entertainment centers, residential facilities, public parks and green space. This traffic gridlock has also had negative impacts on tourist/convention bookings, local business revenues and has limited future economic development through concurrency constraints on growth.



Lack of Neighborhood Retail

In 1999, the Hyde Park supermarket chain shut down, resulting in the loss of the only full-service supermarket that served the South Pointe neighborhood of the City. This neighborhood has experienced some of the highest residential growth in the City in recent years, and the City Commission prioritized the recruitment of a supermarket to service the area. Unfortunately, increasing land costs have made the economic viability of a supermarket in this location almost impossible to achieve.

Initiative / Project Description

Objectives

Create a multi-modal facility at the entrance of the City, support and enhance the current transit system, provide opportunities for the future expansion of the system, serve as a collector and a transfer station that encourages the use of park and ride, attract a full-service supermarket to serve the neighborhood, a four-year priority of the City, and create the opportunity to provide additional retail product within the City for goods that currently require trips out of the City by local residents and visitors.

Programing

943-space transit-oriented parking facility, 47,000 square foot supermarket, 132,000 square feet of other retail.

<<INSERT RENDERING>>

Local Match / In-Kind / Community Support

The City is contributing land in the form of a 7,800 square foot alley that runs through the center of the facility, and \$7.25 million for construction of a portion of the parking facility and transit components. The City's contribution is capped at \$7.25 million of the project, which has an overall cost estimate in excess of \$30 million.

Benefits

Park and Ride

942 Total Spaces, of which 503 are Public Spaces, and all 943 will be available to the public for park and ride after retail hours.

System Enhancement

As transit access to the facility's other uses increases, demand for retail-serving parking will decrease, expanding the park and ride potential of the facility.

Access to Transportation

MDTA northbound bus routes, MDTA westbound bus routes, Electrowave, Baylink northbound blue route (local circulator).

Access to Facilities

No-transfer transit to Miami Beach Convention Center and Jackie Gleason Theater.

Awareness of Transportation

Economic and Social Impact

47,000 square foot supermarket, 132,000 square feet other retail, over 600 jobs created, Brownfield cleanup, and provide street-level, pedestrian-oriented access to transportation.

ATLANTIC CORRIDOR GREENWAY NETWORK

Request

If approved, this \$4,000,000 appropriation request will allow the City to continue the development of the Atlantic Corridor Greenway Network, which will directly link the City's key residential areas with regional employment centers, transit facilities and the Citywide trail network.

Overview / Background

In *Ecology of Greenways*, Daniel S. Smith says "Greenways can tie communities together by linking features such as parks, historic sites, residential areas, and shopping districts and by allowing people to travel from place to place without the noise and rush of automobiles." The City of Miami Beach's Atlantic Corridor Greenway Network will provide direct linkages between the community's residential neighborhoods, business districts, historic districts, civic centers, transit sites, parking facilities, parks, natural areas and the beaches. All of these linkages will be created within a traffic-free, heavily landscaped greenway setting with a completely urbanized area.



The City of Miami Beach exists as an eight-mile long chain of barrier islands that is separated from the mainland of Miami-Dade County by the Biscayne Bay Marine Estuary. The historic and scenic Indian Creek Waterway system snakes its way through the chain of islands. Miami Beach was settled in the late 1800's as a farming community. Just after the turn of the century, entrepreneurs recognized the area's potential and launched the development of a resort community. The result was a development boom, which reached its peak in the 1930's &

40's and established Miami Beach as the number one beach tourism destination in the world. At that time, an elaborate transit network effectively serviced the public's need and automobiles were of little use to Miami Beach visitors and business owners. As a result, very few parking facilities were developed Citywide.

The post-war prosperity of the 1950's brought on a vast expansion in the development of single-family homes and lower density multifamily residential facilities to Miami Beach. By the time changes in world economic conditions brought new development in Miami Beach to a halt in the 1960's, the City of Miami Beach was a completely developed metropolitan area. The area remained in economic doldrums until the mid-1980s when Art Deco revival and resurgence in beach tourism ignited a wave of redevelopment that has eclipsed any previous period of development in Miami Beach history. This resurgence in development has also brought on major changes in both Miami Beach's population demographics and traffic patterns. Since 1980, the median age of Miami Beach residents has dropped from 65 to 39 years old. During that time, approximately 25% of the City's hotel and apartment facilities that historically catered to the City's retiree and seasonal visitor populations were converted to condominiums occupied by permanent residents.

Problem / Issue

Traffic Congestion

The Miami Beach Architectural District, better known as the Art Deco District, was placed on the

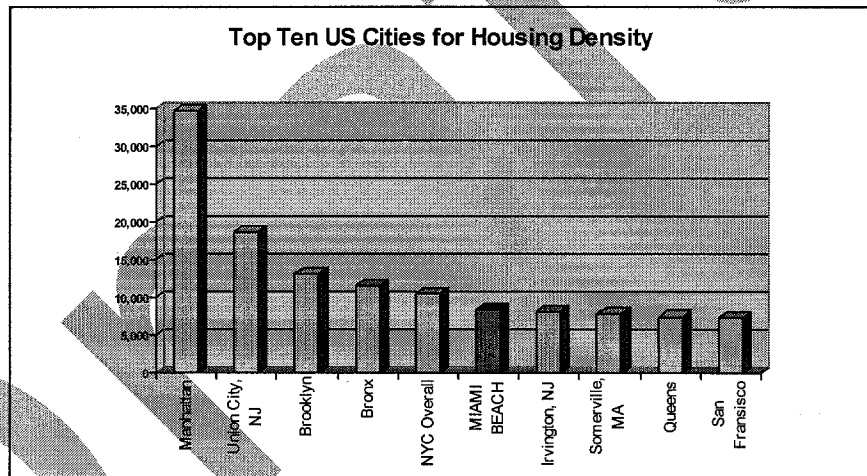
National Register of Historic Places in 1979. This designation, and the reinvestment that followed, led to an unprecedented revitalization effort that made Miami Beach and its South Beach neighborhood one of the most popular tourist destinations in the world. Miami Beach has become a regional resource, attracting over 70% of all tourists that visit Greater Miami each year. Unfortunately, research shows that the majority of these tourists rent cars during their vacation, greatly contributing to congestion. In addition, residents of the surrounding region make over 8 million day-trips to Miami Beach each year.

Negative Economic Impact of Traffic

The City of Miami Beach is located east of Downtown Miami, across Biscayne Bay. Downtown Miami is the key employment hub for South Florida, and many of the roads in Miami Beach have become alternate routes for commuters from the communities to the north. The traffic congestion caused by daily commuters, residents and visitors trying to traverse the City and vying for the scarce few parking spaces seriously impedes access to area businesses, cultural/entertainment centers, residential facilities, public parks and green space. This traffic gridlock has also had negative impacts on tourist/convention bookings, local business revenues and has limited future economic development through concurrency constraints on growth.

Population Density

Although Miami Beach is geographically small (7.1 square miles), it has one of the highest population and housing densities in the United States. Miami Beach ranks 29th in the nation for population density, behind multiple cities and boroughs of New York City, Greater Los Angeles, Greater Chicago, and the San Francisco Metro area. This population density increases during the winter months, when seasonal residents occupy almost 10,000 housing units that function as second and third homes. Regarding housing unit density, Miami Beach is ranked second behind New York City. The development of alternative modes of transportation in such a dense, urban environment is necessary for sustainable economic growth. The number of vehicles owned by residents of Miami Beach has increased from approximately 20,000 cars in 1975 to more than 42,000 in 2000.



<<INSERT GRIDLOCK PHOTO>>

Initiative / Project Description

Through the development of the Atlantic Corridor Greenway Network, the City of Miami Beach is creating a regional alternative transportation network which will interconnect key intermodal centers, area business districts, cultural/tourism centers, residential neighborhoods, parking facilities, parks, schools and the beaches. The Network will be comprised of a citywide system of bicycle/pedestrian facilities, enhanced public transit facilities, expanded local circulator service and innovative regional parking improvement programs. This network in Miami Beach will link with the larger network of greenways and trails that is planned for Miami-Dade County and South Florida, and will be a key component of the State of Florida's outdoor recreational amenities.

The system of bicycle/pedestrian trails will be created to provide continuous, multi-purpose public access corridors throughout the City. The access corridors will be developed as Greenways or linear

parks which will snake their way along the City's beaches, waterways and natural ecosystems with connections to residential areas, resort areas, business districts, civic centers, transit sites and parking facilities. Rest areas, vista areas, waterway access facilities, and interpretive signage will be interspersed throughout the greenways to provide enhanced heritage and ecotourism amenities and recreational opportunities for trail users.

<<INSERT PROPOSED SYSTEM MAP>>

Local Match / In-Kind / Community Support

Local government has already made a substantial investment in the development of the Atlantic Corridor. To date, the City has obtained more than \$13,600,000 in project funding, completed the design and permitting of more than 4.5 miles of the Network's trails, and will complete the construction of the first 3.5 miles of trail in FY-02/03. If approved, this \$4,000,000 appropriation request will be matched with the \$6,700,000 in Local, County and State funds and be used to complete the construction of the 3.5 mile North Beach Recreational Corridor segment of the overall project.

<<INSERT PHOTO OF BAYWALK/MARINA AND LUMMUS PARK>>

Benefits

Reduce Congestion

By connecting the Greenway trails with improved transit sites in strategic residential areas, employment centers and regional parking facilities, the Network will encourage greater utilization of public and alternative modes of transportation for daily commuting, lowering transportation costs and freeing critically needed parking in the business districts. Through the creation of innovative employee park & ride programs for local businesses, the Network will shift additional cars away from key business and tourist centers to less utilized regional parking facilities.

Encourage New Investment

The alleviation of some of the traffic congestion and parking shortages along the Atlantic Corridor will encourage new economic development in Miami Beach by reducing the concurrency restrictions currently limiting new development and by increasing local business utilization by residents and visitors. As network usage increases, there will be a corresponding increase in the demand for services by the network users, which in turn will stimulate the growth of local tourism and service based businesses such as hotels, restaurants, rental facilities, retail shops, galleries and other small businesses.

Increase Recreational Opportunities



According to the State of Florida's Comprehensive Outdoor Recreation Plan (SCORP) the two outdoor recreational activities, which are in the highest demand amongst both the State's residents and tourists are saltwater beach activities and bicycle riding. Together, these activities represent 61.1% of the total demand for resource-based outdoor recreation activities. The SCORP also identifies the development of new facilities to support saltwater beach and bicycle recreation within urban areas, as the two greatest un-met needs for outdoor recreational facilities within Florida. In addition to saltwater beach and bicycle recreation, the SCORP also identifies visiting archeological/historical sites and

nature study as outdoor recreational activities that are in high demand by our residents and tourists, representing the 10th and 13th highest demanded activities respectively. The City's Atlantic Corridor Greenway Network will contribute significantly to meeting these demands for outdoor recreational opportunities. The Corridor project will enhance public recreational access along eight miles of saltwater beach and its serpentine trails will provide more than twenty-two miles of new urban

bicycle/pedestrian facilities in a greenway setting. Interpretive signage along the trail will provide excellent opportunities for users to learn about the shoreline, dune and coastal hammock ecosystems indigenous to barrier islands like Miami Beach. Self-guided excursion maps will also allow trail users to study and enjoy the cultural and historical landmarks within the six registered historic districts, which lie adjacent to the network trails.

ADA Access

The Atlantic Corridor Greenway Network will significantly enhance recreational facility access and provide an excellent alternative transportation network for persons with disabilities. All areas of the network, as well as, all of its connections to the existing streets, sidewalks, parks and parking facilities will all be developed in full compliance with the guidelines set forth by the Americans With Disabilities Act (ADA). The direct linkages that the network will provide between the residential neighborhoods, business districts, historic districts, civic centers, transit sites, parking facilities, parks, and the beaches will allow people with disabilities to utilize public and alternative modes of transportation, in conjunction with the traffic-free, landscaped greenway for daily commuting, shopping and recreating.

Increase Use of Alternate Modes of Transportation

According to the 2000 Census, only 58% of the Miami Beach labor force drove to work alone, and over 15% specified that they walked to work or used other means such as bicycles and rollerblades, indicating their acceptance of alternative modes of transportation. Enhancing the local transportation system with these alternative modes will increase usage by the local workforce.

LOCAL CIRCULATOR

Problem / Issue

Request

The City of Miami Beach is requesting \$2 million for Bus Capital from the Bus and Bus Facilities account of the Transportation Appropriations Bill.

Initiative / Project Description

Local Match / In-Kind / Community Support

Benefits

Draft

STORMWATER INFRASTRUCTURE IMPROVEMENTS

Request

Request supplemental funding of \$9,000,000 from U.S. EPA's State and Tribal Assistance Grant Account. This figure represents 10% of the cost of the City's water project capital plan. The funds will be spent in the most socio-economic disadvantaged neighborhoods in the City.

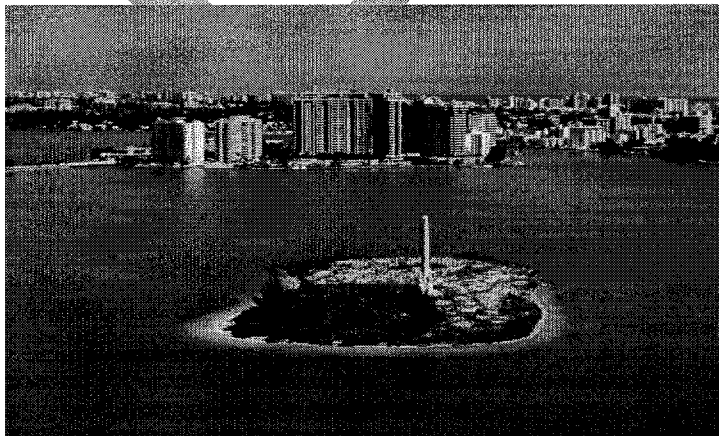
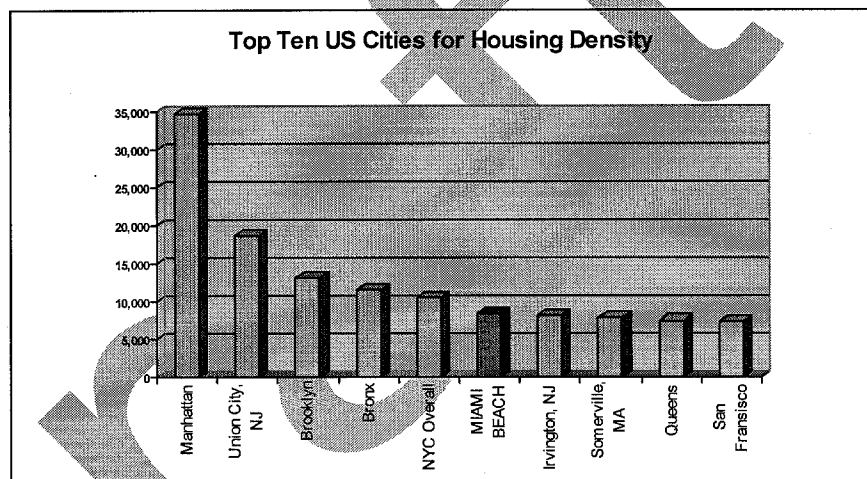
"\$9,000,000 to the City of Miami Beach, Florida for the watermain reconstruction and stormwater improvements in the neighborhoods of Biscayne Point, North Shore, Normandy Shores and Normandy Isle."

Overview / Background

The City of Miami Beach is a small (7.1 square miles) city located on a series of barrier islands in Biscayne Bay. However, the City has one of the highest population and housing densities in the United States. The recent tourism resurgence and economic revitalization has led to a new private sector investment, a significant shift in the population characteristics, as well as a significant number of tourists.

The City is responsible for distribution of potable water and providing

stormwater conveyance, treatment and disposal to a diverse permanent population of 87,933 people, a seasonal population of approximately 40,000 additional people, and over 7 million tourists. During the mid to late 1990s, the City of Miami Beach commissioned the preparation of a Water Master Plan, Sewer Master Plan and Comprehensive Stormwater Management Master Plan. These planning efforts evaluated the existing infrastructure and recommended improvements to meet the needs created by changes in land use and aging infrastructure. These Master Plans led to the creation of the City of Miami Beach Neighborhood Right-of-Way Infrastructure Program ("Program"), the funded portions of which the City anticipates to complete in late 2007.



All of the City's stormwater runoff is drained into Biscayne Bay, a nationally recognized aquatic preserve. Biscayne Bay was identified as one of Florida's highest priority water bodies and was the subject of a specific plan developed to help protect and enhance it. This plan is referred to as the Biscayne Bay Surface Water Improvement and Management (SWIM) Plan. One of the main goals of the plan is to maintain and improve water quality to protect and restore natural ecosystems and compatible

human uses of Biscayne Bay.

Problem / Issue

High Consumer and Local Cost

The revitalization of Miami Beach has created a significant financial challenge in the attempts to provide adequate potable water and stormwater treatment/protection to citizens and visitors. The City Commission has approved a local expenditure of \$60,000,000 for the water and stormwater improvements, which has resulted in water and sewer rate increases to 126% of national averages in Fiscal Year 2000 with approved increases bringing rates to 144% by Fiscal Year 2006. Unfortunately, the estimated cost to complete construction of these water and stormwater improvements is \$90,000,000. The City does not have the ability to fund this entire amount.



Age and Condition of System

The majority of existing watermain in the City were installed anywhere from 50 to 80 years ago, and have reached the end of their useful life.

Planned enhancements will replace corroded galvanized pipes and pipes installed with lead joints and will improve safety issues related to potable water distribution. Some water mains have become almost "blocked" by a process called tuberculation, where deterioration of a pipe's interior wall lining has

occurred as result of chemical reactions with potable water. Excessive tuberculation has significantly decreased the effective pipe diameter, thereby affecting public safety through inadequate fire flows and by decreasing water pressure at the household tap, or more drastically, causing pipe collapse or failure. The new or rehabilitated watermain will improve water pressure and provide appropriate internal pressure to safeguard against backflow contamination during fire flows or other peak use situations.

Flooding and System Demands

With regard to the City's stormwater system, the Master Plan identified over 160 drainage basins throughout the City of Miami Beach. Approximately 34 basins were identified as a priority based upon pollutant loading, pollutant concentration, flooding potential, citizen complaints and City operational staff rankings. The City experiences various levels of flooding, depending on the extremity of the rain event. With many of the City's priority drainage basins barely above sea level, and the system not being capable of handling a 5-year storm event, flooding occurs in many of the basins during a regular rain event, with higher flooding levels occurring during high tide or a major storm. Due to high groundwater elevations, drainage is slow, requiring extensive periods of time to dissipate. Continuous excessive ponding over the long term causes the deterioration, and ultimately failure, of paved roads, and can lead to mosquito breeding areas. When the proposed improvements are completed, these priority basins will dispose of a 7.2-inch rainfall (5-year storm) event over a period of 24 hours.

Initiative / Project Description

As part of the Program, the City is reconstructing aged watermain and stormwater infrastructure in existing neighborhoods to maintain safe and reliable potable water service, improve water quality in the Biscayne Bay aquatic preserve and minimize stormwater flooding damage to public and private property. Individual neighborhoods will benefit from infrastructure upgrade projects relating to watermain replacement, sanitary sewer rehabilitation, and stormwater collection, treatment and disposal facility improvements.

The City's plan to construct and/or enhance existing systems for stormwater conveyance, treatment and disposal facilities helps achieve the goal of the SWIM Plan. As a municipality within Miami-Dade County, the City is a National Pollutant Discharge Elimination System (NPDES) Phase I permittee, and is required to eliminate pollutants to the maximum extent practical. The proposed stormwater improvements will enhance treatment of runoff prior to discharge, minimizing pollutant loadings into the Bay and help the City fulfill its requirement.

<<INSERT NEIGHBORHOOD PLAN / MAP >>

Local Match / In-Kind / Community Support

While the majority of the Program is currently locally funded, requesting Federal cost sharing is reasonable. The City is one of the few large Dade County communities to embark on such a program before regulatory pressures require it. Typically, municipalities have waited to make such improvements until either State or Federal officials used regulatory reform or enforcement actions to force the issue through a consent decree, administrative order or court judgments. In contrast, the City has already bonded \$60,000,000 for these improvements from local resources, which represents two-thirds (2/3) of the total Program cost. The City is considered a major vacation spot in the County, as well as the nation. Regular flooding impedes the commercial uses of the City and detracts from the City's reputation as a tourist destination. The City's system is not even capable of expelling stormwater at a 5-year storm level, whereas most places in the nation are able to expel stormwater at that level.

The City is in a position to accept the traditional local match share requirement of 45% and will make the \$7,000,000 in local funds available upon approval of the funding. However, without the approval of this grant, portions of the Program will be in jeopardy of not being constructed because of lack of local financing.

To date, this Appropriations Act has granted \$4,894,812,625 in "special needs" water related grants between FY 1992 and FY 2002 to similar projects in municipalities across the nation. During this same time frame, Florida has received \$117,945,000 of the total monies granted. This is the City of Miami Beach's first request for funding from this source. This Program truly impacts the health and safety of City residents by replacing deteriorated watermains that will improve fire flows and prevent backflow contamination during peak use. In addition, enhanced stormwater collection, treatment and disposal will provide residents and property with adequate storm protection, facilitate the dissipation of standing water, and remove pollutants from stormwater runoff flows prior to disposal to the Biscayne Bay, a nationally recognized aquatic preserve.

Benefits

Investment in Low/Moderate Income Neighborhoods

The City has limited its Funding Request to four neighborhoods that comprise the City's North Beach area. These neighborhoods, including Biscayne Point, North Shore, Normandy Shores and Normandy Isle, have very low Median Household Incomes (MHI). The targeted neighborhoods' average MHI is approximately \$18,000, or 70% of the State of Florida average. These neighborhoods include a variety of land uses, including highly urban commercial, residential, recreational and multi-family areas, with some pockets of single-family residential, and are eligible for such Federal funding as the US Department of Housing and Urban Development (HUD) Community Development Block Grant and Section 108 funds.

BANDSHELL PARK

Problem / Issue

Request

Initiative / Project Description

Local Match / In-Kind / Community Support

Benefits

Draft

NORTH BEACH CULTURAL CENTER

Request

The City of Miami Beach requests an appropriation of \$5 million for the North Beach Cultural Center in the VA, HUD and Independent Agencies Appropriations Bill.

Overview / Background

Cultural development has become the cornerstone for the revitalization strategy for the North Beach area of Miami Beach. The creative environment that was created by organizations such as the Miami City Ballet, New World Symphony, Art Center South Florida, along with many independent artist studios, led to the revitalization of South Beach from a low income, crime-ridden neighborhood into one of the most popular tourist destinations in the world.



As part of the North Beach Strategic Plan, (which includes \$124 million of public investment and over \$500 million of private investment), the City purchased an abandoned movie theater in the central business district of this neighborhood, and is currently renovating it to re-open as the North Beach Cultural Center. The Byron Carlyle Theater was an abandoned 7-screen movie theater that is located in the central business district of Miami Beach's North Beach area. The theater was

closed by Regal Cinemas in 1999, and was vacant until the City purchased it and leased a small portion to four local non-profits in late 2001. The redevelopment of vacant buildings such as the theater is crucial to the economic and business development components of the North Beach Strategic Plan.

Problem / Issue

Neighborhood Revitalization

North Beach is a neighborhood that has not experienced the dramatic reinvestment and success of South Beach, and continues to have problems with crime, housing, and unemployment. Some of the largest concentrations of low and low-moderate income households are also located in this area.

Retention / Displacement

Address financial issues related to the retention and displacement of cultural organizations within the City, and provide a proven economic catalyst to the North Beach neighborhood of the City.

Structure

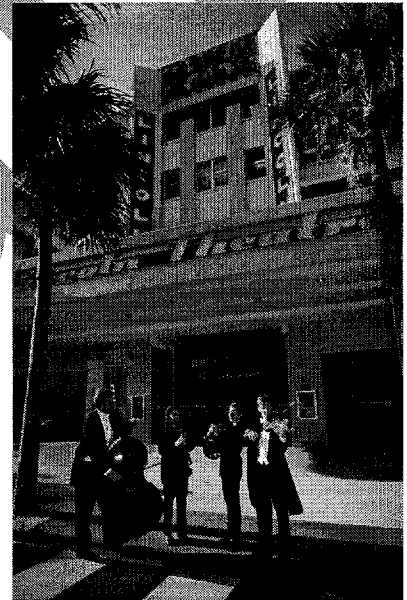
The unique layout and structural nature of older movie theaters such as this negatively limit redevelopment options and increase costs.

Local Match / In-Kind / Community Support

The City of Miami Beach purchased the facility for \$1.7 million, and spent an additional \$500,000 on the Phase I renovations. Phases II and III are much more extensive and costly, and projected costs are approximately \$6 million. These phases will include renovation of two of the former movie theater spaces into a single use space capable of accommodating 250 people. The City has applied to the State of Florida for a \$460,000 grant for this project, and the North Beach Development Corporation, the Miami Beach Community Development Corporation, and Miami-Dade County have committed a total of \$750,000 to the Phase II renovations. The City has also identified funding sources that will be committed to the annual operation of the facility once it opens. When completed, the Facility will interact with the nearby North Beach Youth Center, a \$6 million project that is currently under development one block away.

The City of Miami Beach has begun the implementation of a strategic plan for the revitalization of the North Beach area, which includes approximately \$124 million in capital improvement projects that will be implemented during the next 6 years. The redevelopment of vacant buildings such as the theater is crucial to the economic and business development components of the North Beach Strategic Plan. However, due to the unique layout and structural nature of older movie theaters, such as this, redevelopment options are limited and expensive.

In addition to the North Beach Cultural Facility, the City of Miami Beach's commitment to cultural development is far above that done by most cities, as demonstrated in the City's Cultural Arts Initiative, which has an investment in culture that on a per capita basis is probably one of the highest in the nation. In addition to the \$40 million private sector commitment from the New World Symphony, the City is in the midst of a cultural development capital program of almost \$100 million to renovate, expand, or upgrade facilities in the City. Some of these facilities are large, such as the Jackie Gleason Theater, the Bass Museum and the Miami City Ballet, while some are small venues that support the smaller not-for-profits, such as the Colony Theater, the 10th Street Auditorium (home of the Miami Design Preservation League).



Benefits

Economic Revitalization

The redevelopment of this theater is an integral component of the Strategic Plan for the economic revitalization of the North Beach area of Miami Beach. While other areas of Miami Beach have enjoyed tremendous economic success over the last ten years, the North Beach area has lagged in its growth and continues to evidence a concentration of low-income households and a lack of private sector investment. The emergence of cultural institutions during the beginnings of the economic revitalization of South Beach's Art Deco District directly contributed to the area's continued success.

Retention

The success that cultural organizations helped create in South Beach is also a reason for the creation of a cultural facility in North Beach. As South Beach boomed, local cultural institutions became self sufficient and successful, area market trends began to improve and property values appreciated significantly. In 1993, the primary cultural area in South Beach was on Lincoln Road, where rental rates averaged \$12 per foot. In 2000, rental rates reached \$75 per square foot, and many small businesses and cultural organizations were forced to either relocate or dissolve.

Address Displacement of Organizations

Many cultural organizations currently housed in City-owned facilities will soon have to relocate as the City expands to meet the ever-increasing service levels expected by the citizens. A central facility that accomplishes both goals is critical to the economic revitalization of North Beach. To date, the City has completed the Phase I renovation of the former lobby area, and has leased this new office

space to three cultural organizations that were displaced from South Beach. The City has leased additional space in the facility to the North Beach Development Corporation.

Citywide Cultural Development

The development of the North Beach Cultural Center will also help transform the entire City of Miami Beach into a world-renowned center for the creation and consumption of culture. Miami Beach is home to many internationally acclaimed cultural organizations, such as the New World Symphony, the Miami City Ballet, and the Bass Museum. These organizations, however, are located in a small concentrated area of South Beach. The City also has over 75 smaller cultural groups that are the true cultural heart of Miami Beach. Organizations such as the Concert Association of Florida, Ballet Flamenco La Rosa, and the Performing Arts Network continue to struggle for their economic survival. The ability to provide a facility that allows these groups to remain in Miami Beach will provide a venue where many emerging small organizations can continue to grow and prosper and at the same time provide a catalytic cultural component to the revitalization effort in North Beach.

Economic Development

Recent studies of the Miami Beach economy have shown that for each dollar invested, the economic impact of culture and performing arts activities is higher than any other sector, giving the City more "bang for the buck." Unfortunately, the total dollar value, while significant, does not approach the investments made in tourism, real estate & development, entertainment, and retail trade. Increasing and leveraging the City's already high level of cultural investment will pay dividends for many years to come. The challenge for cities such as Miami Beach, however, is, providing the level of Cultural Arts investment that is required to generate this "biggest bang for the buck."

HISTORIC CITY HALL



Request

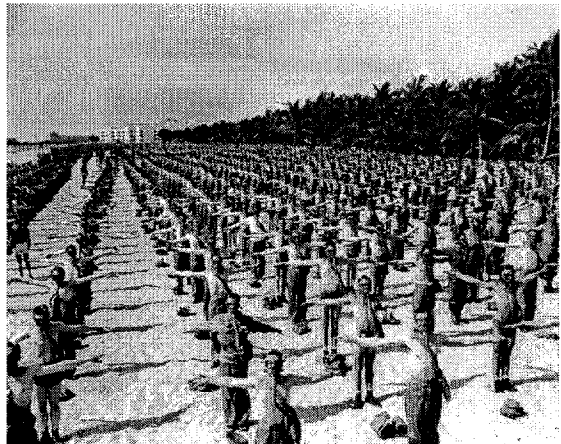
The City of Miami Beach is requesting assistance in the amount of \$2 million from Save America's Treasures Program to continue the City's efforts to rehabilitate Historic Old City Hall.

Overview / Background

The Miami Beach Architectural District, better known as the "Art Deco District," was placed on the National Register of Historic Places in 1979, the first 20th Century district to be so recognized. Built between 1933 and 1945, the whimsical, futuristic architectural style provided a temporary escape for middle-class

Americans during the Great Depression. The collection includes over 800 historic properties, including such public facilities as Old City Hall, the 10th Street Auditorium & Beach Patrol Headquarters, the Colony Theater, the Sixth Street Community Center, the Bass Museum of Art, 555 17th Street and the Rotunda.

The Art Deco District played a key role in Florida's contribution to the war effort during World War II. From 1941-1945, Miami Beach was not a vacation hotspot, but rather one of the largest training bases for the US Military. Approximately 1/4 of officers and 1/5 of enlisted trained in Miami Beach, using hotels and apartment buildings as barracks, and the beach, polo fields and golf courses as parade and training grounds. While their training was hard, Miami Beach and the Art Deco District provided the last stop with some fun and enjoyment before shipping off to war and an uncertain future. Many soldiers saw movies at the Colony Theater, and many last minute weddings took place at Old City Hall. Indeed, each December 7th, World War II veterans descend on Miami Beach for the "Sand in your Boots" reunion, where they retrace those final days before the loss of innocence that was to come. The City of Miami Beach also plans to work with the Miami Design Preservation League to include the public facilities with privately owned buildings on a World War II historic walking tour.



Problem / Issue

Preservation

Unfortunately, Historic City Hall, and all of the Art Deco District face a dire predicament. Years of exposure to a beach environment, combined with Depression-era building materials and methods, have left many of its buildings close to condemnation. As the historical significance of the district is its collection of buildings, rather than any single structure, reducing the decay and preventing structure loss is of utmost importance. Preserving the public facilities that are part of this collection is also more expensive, with significant structural work being required for conformance to 21st Century building standards.

Resource Allocation

The City of Miami Beach has implemented a 6-year, \$400 million Capital Improvement Program to rejuvenate and improve stormwater, water and sewer, parks, streets, and public facilities, many of which are contributing structures in the National Register district. As neighborhood needs evolve and grow, however, funds to complete all phases of these public facilities improvements are becoming increasingly scarce.



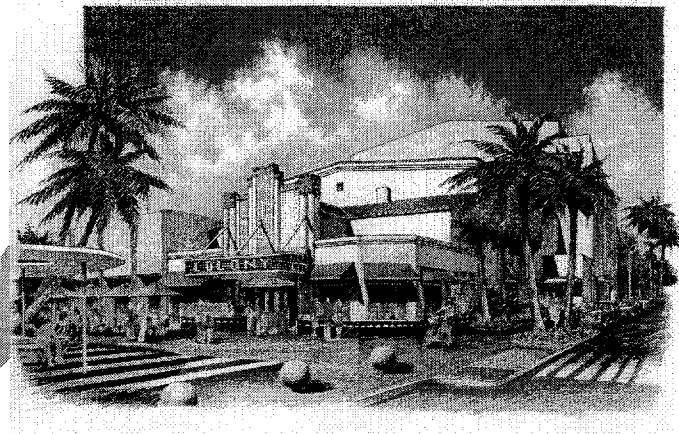
Initiative / Project Description

Local Match / In-Kind / Community Support

Benefits

Increased Tourism

The Art Deco District remains a crucial part of the City's, as well as South Florida's tourist economy, as seventy percent of the ten million tourists that stay in Greater Miami visit the Art Deco District each year, and an additional 8 million day-trips are made to it by residents of the surrounding region, making it the top tourist attraction in South Florida and the second in Florida following Walt Disney World.



ART DECO INTERPRETIVE CENTER

Request

The City of Miami Beach is requesting assistance in the amount of \$2 million from the Institute for Museum and Library Services to support the Art Deco Historic District Interpretive Center in Miami Beach.

Overview / Background

Miami Beach is not only the tourism capital of South Florida; it is the cultural capital as well. As stated above, eight regional anchors belong to the Miami Beach cultural community. Of these, the New World Symphony, the Miami City Ballet, and the Concert Association of Florida will also be three of the five resident groups at the new Performing Arts Center of Greater Miami, located on Biscayne Boulevard in downtown Miami.



Problem / Issue

Initiative / Project Description

Miami Beach with its famed South Beach is one of the most popular and high profile destinations in the world. Over 7 million tourists and 8 million South Florida residents visit annually.

Local Match / In-Kind / Community Support

Benefits

OTHER PRIORITIES

Department of Interior

National Heritage Area

Department of Education

Unify State and Federal Accountability Systems

Army Corps of Engineers

Beach Renourishment – Identify a long term sand source

Canal Cleanup

Department of Housing and Urban Development

Affordable Housing

Homeless Assistance

Every day, by some accounts, many Miami Beach residents are homeless. Homeless individuals and families live in substandard conditions in places usually not suitable for human habitation, and face violence, sickness and despair, as well as the attendant issues resulting from abject poverty. Public health and safety are affected, and community concerns spur the City to undertake service enhancements such as additional police, fire, rescue, parks and street maintenance, sanitation services, and others. Within the Miami-Dade County area, the City of Miami Beach is singularly attractive to homeless migration. Routinely, the City receives a number of homeless that have left neighborhood municipalities in search for a place to sleep. With its tropical climate and beautiful beaches, the City provides a comfortable environment for encampments to take root. To address this continuing challenge, the City of Miami Beach provides funds to local nonprofit organizations and service providers, who attempt to serve the needs of the homeless population. The City also funds the enhancements that result from this activity.

In 1994, homeless individuals in Miami settled a historic lawsuit with the City of Miami. Although not a party to this lawsuit, the City of Miami Beach is, however, directly affected by it. City of Miami Beach homeless individuals and families were left out of the zoning for the Homeless Assistance Center built by the Miami-Dade County Homeless Trust. In practical terms, this means that on any given day, homeless found in Miami Beach will only have access to a limited amount of shelter beds, which are shared by all other municipalities in the County. In 1999, the City Administration, the City of Miami Beach Police Department and the Committee on the Homeless developed a 3-year pilot program to further address the needs of homeless individuals and families in Miami Beach.

The program tied into the City's adopted "Continuum of Care" Plan, which is a part of the City's Consolidated Plan for Federal Funds. Services included outreach and emergency shelter for homeless individuals identified by the Police Department and local service providers. The program served a total of 185 individuals and families. At the end of the first three years of the program, several obstacles have been identified that have an impact on the ability of the City of Miami Beach to meet the needs of its homeless population.

First and foremost is the lack of funds. Current federal programs for the homeless are allocated on a competitive basis rather than to each community. This has benefited the Miami-Dade County community; however, there are still significant needs that are not being addressed in Miami Beach. The County allocates funds received under the SuperNOFA, to address countywide priorities that may not coincide with local, municipal priorities, such as the need for

emergency shelter and transitional housing. It is estimated that approximately \$1,000,000 will be needed over the next three years to fund a sufficient amount of emergency shelter beds in available facilities, to address the needs of the Miami Beach homeless population. An additional amount of \$1,300,000 will be needed to fund transitional housing over the next three years. To complete the Continuum of Care System for Miami Beach, permanent housing must also be funded, at an estimated amount of \$1,500,000 over the next three years.

The second largest obstacle is the need for coordination of housing and supportive services, regardless of funding source. In addition to its funding of homeless activities, the City also expends approximately \$2 million each year in federal funds for affordable housing initiatives for very low, low and moderate-income residents. The City funds approximately \$500,000 each year in social services for low and moderate-income residents, which includes homeless individuals. Although the City of Miami Beach's homeless individuals and families are currently participating and benefiting, in part, by the countywide Continuum of Care system, better linkages and coordination between the City's federally-funded affordable housing, social services and homeless activities -- and the SuperNOFA-funded programs at the County level needs to take place. The City estimates that the development of such service coordinators and the establishment of an intake facility will represent an expenditure of approximately \$900,000 over the next three years.

The third and final obstacle is the lack of data on the homeless population in Miami Beach and its treatment needs. The information is key to tracking the progress or failure of the homeless person after a shelter intake; report on and evaluate results; and recommend program changes, treatment gaps, and funding needs. The development and implementation of an information tracking system is estimated at approximately \$300,000 over the next three years.

Elder Affairs

Economic Development Administration

5th and Alton Transit Facility

New World Symphony / Soundspace

FEMA

Federal Flood Plain Requirements

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution, Waiving, By 5/7ths Vote, the Competitive Bidding Requirement, Authorizing A Concession Agreement Between The City And Penrod Brothers, For The Operation Of A Concession In Pier Park Seaward Of The Footprint Of The Penrod Pier Park Restaurant; Commencing Retroactively On October 1, 2003, And Expiring On May 6, 2006, With An Option To Renew To Run Concurrently With The Term Of The Existing Pier Park Restaurant Lease Agreement ; Said Concession Agreement Is Terminable By The City Without Cause And For Convenience, With 180 Day Notice

A Resolution Authorizing A Third Amendment To The Lease Agreement Between The City And Penrod Brothers For The Pier Park Restaurant Facility", Located At One Ocean Drive; Said 3rd Amendment Increasing The Percentage Rent Due To The City And Correcting Scrivener's Errors In Exhibits "A" (Site Plan) And "B" (Legal Description) To The Lease Agreement

Issue:

Shall the City Commission approve 1) the Concession Agreement, and 2) a Third Amendment to the Lease Agreement with Penrod Brothers for the Pier Park Locations?

Item Summary/Recommendation:

1) A Concession Agreement for the rental of lounging equipment and providing food and beverage service in the Pier Park Concession Area, including the following: Term: Commencing retroactively on 10/01/03, and ending on 05/06/06, with an option to renew to run concurrent with the term of the Pier Park Restaurant Lease Agreement. Option: If there is no default, there are two (2) automatically renewable ten (10) year options, unless Penrod Brothers advises the City, in writing, at least 6 months prior to the expiration of the preceding term. In the event that the Pier Park Restaurant Lease Agreement option is not exercised by Penrod Brothers, or the Lease Agreement is otherwise terminated, the Concession Agreement shall automatically terminate. City Reserves right to terminate for convenience, at its discretion and without cause, with 180 day notice. Remuneration: City to receive 5.5% of gross receipts from all sales and services within the Leased Premises and the Pier Park Concession Area, effective October 1, 2003. Rate increases to 6.5% upon Penrod's achieving a target revenue threshold of \$12,818,026 (avg. of FY2002 & FY2003 gross receipts). Retroactive Remuneration: City will receive retroactive remuneration of 5.5% of Gross Receipts, for the period from 11/1/01– 09/30/03 totaling \$767,533; \$400,000 in cash over next 3 months, and \$367,533 in capital improvements within the Concession Area and Pier Park (includes public restroom facility and exterior park access signage). Penrod will also invest a minimum of \$500,000, in additional capital improvements within the Concession Area or the Pier Park Restaurant. In the event an economic downturn Penrod Brothers may opt to irrevocably forfeit the Concession Area and revert from the proposed 5.5% (6.5%) rate models, to the 3.5% rate provided in its original Pier Park Restaurant Lease Agreement, and the new Concession Agreement would be null and void, as would the concurrent Third Amendment to the Lease Agreement, and Penrod would restore the Park to the City's satisfaction.

2) The 3rd Amendment to Pier Park Restaurant Lease is required to amend the percentage rent provisions consistent with the Concession Agreement and correct exhibits related to the footprint of Leased Premises. The Administration recommends that the Mayor and City Commission Adopt the Resolutions.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Christina Cuervo/Joe Damien

Sign-Offs:

F:\DDHP\ALLASSET\1OCEAN.DR\PenrodLeaseAmendConcessionAgreement.SUM.doc

Department Director	Assistant City Manager	City Manager
	<i>Cyle</i>	<i>R. H. [Signature]</i>

AGENDA ITEM **R7D**

DATE **2-25-04**

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



COMMISSION MEMORANDUM

TO: Mayor David Dermer and
Members of the City Commission

DATE: February 25, 2004

FROM: Jorge M. Gonzalez
City Manager

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONCESSION AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC., FOR THE MANAGEMENT AND OPERATION OF A CONCESSION IN THAT PORTION OF PIER PARK SEAWARD OF THE FOOTPRINT OF THE PENROD'S RESTAURANT, LOCATED AT ONE OCEAN DRIVE, MIAMI BEACH, FLORIDA; SAID AGREEMENT HAVING AN INITIAL TERM OF TWO (2) YEARS, SEVEN (7) MONTHS AND SIX (6) DAYS, COMMENCING RETROACTIVELY ON OCTOBER 1, 2003, AND EXPIRING ON MAY 6, 2006, WITH AN OPTION TO RENEW TO RUN CONCURRENTLY WITH THE TERM OF THAT CERTAIN LEASE AGREEMENT ENTITLED, "LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC. FOR A PIER PARK RESTAURANT FACILITY"; PROVIDED FURTHER THAT SAID CONCESSION AGREEMENT IS TERMINABLE BY THE CITY WITHOUT CAUSE AND FOR CONVENIENCE, UPON 180 DAYS WRITTEN NOTICE TO PENROD'S

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A THIRD AMENDMENT TO THAT CERTAIN LEASE AGREEMENT ENTITLED, "LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC. FOR A PIER PARK RESTAURANT FACILITY", FOR USE OF THE PROPERTY LOCATED AT ONE OCEAN DRIVE, MIAMI BEACH, FLORIDA; SAID THIRD AMENDMENT INCREASING THE PERCENTAGE RENT DUE TO THE CITY AND CORRECTING SCRIVENER'S ERRORS IN EXHIBITS "A" (SITE PLAN) AND "B" (LEGAL DESCRIPTION) TO THE AGREEMENT

ADMINISTRATION RECOMMENDATION:

Adopt the Resolutions

ANALYSIS:

On October 2, 1985, the Mayor and City Commission adopted Resolution No. 85-18222, approving a Concession Agreement, dated November 7, 1985, between the City of Miami Beach and Penrod Brothers, Inc. (Penrod's) for the operation and management of beachfront concessions, including

rental of beach equipment, water recreation equipment, and food and beverage service at Pier Park, Oceanfront Park, and Lummus Park, and the beaches seaward thereof.

Concurrently, on October 2, 1985, the Mayor and City Commission also adopted Resolution No. 85-18223, approving a Lease Agreement, dated November 7, 1985, between the City and Penrod's for the development, construction and operation of a restaurant and associated uses at Pier Park for a term of twenty (20) years, with two (2) additional ten (10) year options automatically renewable at Penrod's discretion (the Pier Park Restaurant Lease Agreement).

The Concession Agreement, which was amended on August 13, 1986, via Resolution No. 86-18539 (Amendment No. 1), on September 4, 1986, via Resolution No. 86-18571 (Amendment No. 2), and April 20, 1988, via Resolution No. 88-19223 (Amendment No. 3), was to expire on November 4, 2000. On October 18, 2000, the Mayor and City Commission adopted Resolution No. 2000-24137, approving Amendment No. 4 to the Concession Agreement, extending its term for a period of one year (terminating November 4, 2001), to allow for the issuance of a Request for Proposals (RFP) for the future operation of beachfront concessions on the beaches seaward of Lummus Park, Ocean Terrace, and North Shore Open Space Park.

On February 21, 2001, the Mayor and City Commission authorized the Administration to issue RFP No. 22-00/01 for the management and operation of beachfront concessions limited to the beaches seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park (the RFP). As a result of input received from local merchant associations, and the general public at various public meetings and workshops, and because Penrod's leased the upland portion of Pier Park for a term of forty (40) years, said RFP was issued without the inclusion of the beaches east of Pier Park and Oceanfront Park, which had previously been included in the 1985 Concession Agreement with Penrod's.

Responses to the RFP were received, evaluated and recommendations regarding same were forwarded to the Mayor and City Commission. On October 17, 2001, the Mayor and City Commission approved and awarded a new concession agreement to Boucher Brothers Miami Beach LLC, as the successful proposer, which became effective on November 5, 2001. In accordance with the provisions of the RFP, the Boucher Brother's concession agreement did not include the beaches seaward of Pier Park, or those portions of the park east of, and immediately adjacent to the Pier Park Restaurant Leased Premises formerly addressed under the 1985 Penrod's Concession Agreement.

Penrod subsequently approached the City and entered into discussions regarding a request to continue servicing patrons (as it had always serviced that area through the 1985 Concession Agreement) in the portion of the Pier Park area east of its Pier Park Restaurant, as well as the beaches seaward thereof. In response to Penrod's request, the Administration reviewed the matter and concluded that, since Penrod's was the original developer and long term Lessee of the upland Pier Park Restaurant, it would be in the best interest of the City to have the same operator (Penrod's) continue to provide concession services and operations, as were formerly provided by Penrod's when it controlled the subject area pursuant to the 1985 Penrod's Concession Agreement.

In light of the foregoing, negotiations were commenced for two separate concession agreements: 1) one for the beaches seaward of the dunes east of Pier Park, and 2) one for the area east of the Pier Park Restaurant Leased Premises (Concession Area).

A. BEACHFRONT CONCESSION AGREEMENT:

On November 28, 2001, the Mayor and City Commission adopted Resolution NO. 2001-24678, waiving by 5/7th vote, the competitive bidding requirement and authorizing the City Administration and City Attorney's Office to negotiate and execute a new beachfront concession agreement with Penrod's for the management and operation of beachfront concessions on the beaches seaward of the dunes east of Pier Park, substantially in accordance with the following terms and conditions. The beachfront concession agreement provides for an annual concession fee to the City of the greater of:

- 1) \$10,000, which is the maximum that is being charged to concessions east of privately owned uplands, or
- 2) 15% of the gross receipts Penrod's derives from its beachfront concession operations. (Note: food and beverage revenue will continue to be reported and remitted by Penrod's through its currently existing Lease Agreement for the Pier Park Restaurant, located at 1 Ocean Drive).

Additionally, all other provisions of the beachfront concession agreement are consistent with other concession agreements associated with beaches seaward of privately owned upland locations, and as such will require that Penrod's comply with all aspects of the City's Rules and Regulations for Beachfront Concession Operations.

B. PIER PARK CONCESSION AGREEMENT:

The Administration has been negotiating with Penrod's on several outstanding issues including:

- the use of area between the footprint of the Pier Park Restaurant and the dune (Concession Area),
- the percentage of revenue to be paid to the City (both retroactively and in the future)
- that the Concession Area be completely open and accessible to the public

Said negotiations have been successfully concluded, resulting in the attached Concession Agreement, for the operation and management of a concession for lounging equipment rentals and food and beverage sales, in the portion of Pier Park seaward of the footprint of the Pier Park Restaurant Lease Premises, substantially with the following terms and conditions:

- 1) Term:
The Concession Agreement is to run concurrent with the term of the Lease Agreement for the Pier Park Restaurant Facility. Accordingly, this Concession Agreement shall be for an initial term of two (2) years, seven (7) months and six (6) days, commencing retroactively on the first day of October, 2003, and ending on the sixth day of May, 2006, with an option to renew to run concurrent with the term of the Pier Park Restaurant Lease Agreement.

- 2) Option:
Provided that the Penrod's as Concessionaire or Lessee under the Pier Park Restaurant Lease Agreement, is not in default, this Concession Agreement shall have two (2) ten (10) year options for renewal. Such options shall be considered automatically renewed unless Penrod's advises the City Manager, in writing, at least six (6) months prior to the expiration of the preceding term that it does not wish to exercise the option.

Additionally, in the event that Penrod's, as Lessee under the Pier Park Restaurant Lease Agreement, does not exercise its option to renew said Lease Agreement, or said Lease Agreement is terminated, for any reason whatsoever, then this Concession Agreement shall automatically terminate.

- 3) Termination for Convenience:
Notwithstanding the initial term or option terms above, the Concession Agreement is terminable for convenience by the City, at its discretion, and without cause, upon 180 days written notice to Penrod's.

- 4) Financials:
The financial issues are addressed as three separate items: i) Financial remuneration going forward from the commencement date of the Concession

Agreement; ii) Retroactive remuneration (in cash and capital improvements) for the period from November 5, 2001 to September 30, 2003; and iii) Other capital improvements to Concession Area and/or Leased Premises.

i) Remuneration:

Penrod's has agreed to remit to the City a rate of 5.5% of gross revenue derived from all sales and services both within the Lease Premises and the Pier Park Concession Area, effective as of October 1, 2003. Said rate shall increase to 6.5% upon evidence of Penrod's achievement of a target revenue threshold equal to the average of the fiscal year 2002, and fiscal year 2003 annual gross receipts, said average has been calculated at \$12,818,026.

ii) Retroactive Remuneration:

Penrod's has agreed to the following retroactive remuneration payable to the City, based on a 5.5% rate of Gross Receipts, for the period from November 1, 2001 through September 30, 2003, totaling \$767,533, as follows:

ii-a) \$400,000 in cash, payable to the City in accordance with the following schedule:

- i. \$100,000 already received by the City on February 6, 2004
- ii. \$100,000 no later than April 1, 2004
- iii. \$100,000 no later than May 1, 2004
- iv. \$100,000 no later than May 31, 2004

ii-b) The remaining balance of \$367,533 is to be applied towards capital improvements within the Concession Area and Pier Park, including but not limited to design and construction of an outdoor public restroom facility to service Pier Park patrons and exterior signage at each entranceway to the Park to be approved by the City.

iii) Other Capital improvements:

Penrod's will also make capital improvements, in an amount not less than \$500,000, either within the Concession Area or within the Pier Park Restaurant Leased Premises.

5) Reverter In The Event Of Economic Downturn:

In the event there is a downturn in the economy that would directly create a financial situation that could not be overcome using the proposed 6.5% rate model, Penrod's may, with proper advance notice, to the City, opt to irrevocably forfeit the Concession Area; revert to payment of its original 3.5% rate provided in its original Pier Park Restaurant Lease Agreement. The new Concession Agreement entered into with regard to the Concession Area would be null and void, as would be the concurrent Third Amendment to the Lease Agreement; Penrod's would return to the legal description under the original Lease Agreement (which only includes the footprint of the Pier Park Restaurant); and the Concession Area would be restored by Penrod's to a satisfactory condition, as determined by the City.

6) Operational and Land Use Issues:

- a) No cover may be charged for patrons entering the Concession Area as said area will remain and continue to be treated as public park property.
- b) Amount of foliage, landscaping buffers, and number of lounging beds, chairs, tables and other barriers has been reduced to ensure that there are clear paths of access to the Concession Area, as well inclusion of adequate signage indicating that the Concession Area is part of Pier Park, and as such

is open and fully accessible to the public, whether or not a member of the public wishes to partake in the concession services offered by Penrod's or not. The intent of the parties is to modify, reduce and/or remove obstacles and barriers that would limit public access and foster the perception of "privatization" of the Concession Area and to ensure that the Pier Park property remain accessible to the public from all sides. A detailed site plan is attached to the Concession Agreement for the City's review and approval, and Penrod's will be responsible to undertake any and all further corrective work.

- c) Storage areas and storage of equipment along the north property line of the Park have been addressed and included as part of the aforementioned site plan.
- d) A comprehensive hurricane evacuation plan, including off-site storage of chairs, tables, lounge chairs, and any and all temporary structures, has been provided.
- e) Signage at all frontages of the Concession Area (Ocean Drive, beachside, north side by Bently Beach and south side on street end) shall be erected indicating that it is a public park area and public beach access is available.
- f) Consumption of alcohol within the Concession Area will be permitted, but sale and/or dispensing of alcohol (i.e. placement of bars or other dispensing facilities) within the park will not be permitted.
- g) A fee schedule detailing the proposed rates for lounge equipment rentals, subject to the City's approval, will be submitted by Penrod's.
- h) Any special events and/or film and print activities taking place within the Concession Area will be subject to all applicable permitting requirements, including the City's Special Event guidelines. Any revenues derived from said activities, or any other business operations conducted within the Concession Area, will be considered as part of the gross receipts pursuant to the Concession Agreement and Lease Agreement, as amended.

7) Eventuality of Non-Agreement to Business Terms:

In the event that this Concession Agreement is not approved, Penrod's has agreed, at its sole cost and expense, to restore the area to a condition satisfactory to the City, as a public park, within a time period established by the City.

8) Lease Agreement Amendment:

In accordance with the financial terms agreed to in the Pier Park Concession Agreement, the parties need to amend similar terms governing percentage rent in the Pier Park Restaurant Lease Agreement. The Pier Park Restaurant Lease Agreement is being concurrently amended as follows:

- a) Penrod's shall remit to the City a rate of 5.5% of gross receipts derived from all sales and services within the Pier Park Restaurant Leased Premises (as well as the Pier Park Concession Area), retroactively effective as of October 1, 2003. Said rate shall increase to 6.5% upon evidence of Penrod Brother's achievement of a target revenue threshold equal to the average of the fiscal year 2002 and fiscal year 2003 annual gross receipts, said average has been calculated at \$12,818,026.

Additionally, the City and Penrod's wish to correct a long-standing scrivener's error in the exhibits to the Pier Park Restaurant Lease Agreement

referencing the building footprint (site plan) and the legal description, to correspond with the position of the building as actually constructed, but in no way materially altering or expanding the square footage and/or size of the Leased Premises; and

C. LEGAL ANALYSIS:

The City Attorney's Office has carefully scrutinized the attached Concession Agreement and Third Amendment to Lease Agreement for compliance with the applicable Miami-Dade County and City Charter provisions governing disposition of park property, as follows:

1) MIAMI-DADE COUNTY CHARTER (ARTICLE 6):

Article 6 of the Miami-Dade County Charter, entitled "Parks, Aquatic Preserves, and Preservation Lands", generally requires that there shall be no permanent structures or commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession, or use shall be approved by a majority vote of the voters in a County-wide referendum. Notwithstanding the preceding sentence, however, Section 6.02 therein, entitled "Restrictions and exceptions", provides that the provisions of Article 6 (including the aforesated restrictions) **shall not** apply to "mini and neighborhood parks"; except that mini or neighborhood parks may not be leased or sold unless a majority of the residents residing in voting precincts any part of which is within 1 mile of the subject mini or neighborhood park authorize such sale or lease by majority vote in an election.

Section 33H-3 of the Miami-Dade County Code defines a "mini park" as one "which has small passive open space areas typically less than one acre in size..." A "neighborhood park" is defined as a park "which is typically from one (1) to ten (10) acres in size and considered a walk-to facility..."

Pier Park, in its entirety, is approximately between 4-5 acres; the proposed concession area contemplated herein is a little over an acre. For purposes of Article 6 of the County Charter, Pier Park falls within the County's definition of a "neighborhood park." Thus, if the transaction was a sale or lease of the area it would be subject to approval by a vote of residents residing in precincts with one mile. The Concession Agreement in no way contemplates a sale or lease of Pier Park. Penrod's is merely being given the right to operate a concession service, providing beach rental and food and beverage services within a designated concession area in an approximately one (1) acre portion of the Park. Additionally, the Concession Agreement is terminable without cause and for the City's convenience, upon 180 days prior notice to Penrod's.

The proposed Third Amendment to Lease Agreement, only has the effect of (i) memorializing the renegotiated financial terms between the parties, and (ii) correcting a long standing scrivener's error in the legal description of the property. No extension or expansion of the Lease Premises is involved, and the said Premises continue to reflect the boundaries of the Restaurant facility, as constructed pursuant to the original 1985 Lease Agreement. The 1985 Lease Agreement itself predates the effective date of Article 6 of the County Charter. Article 6 states that it "shall not be construed to illegally impair any previously existing valid written contractual commitments or bid bonds or bonded indebtedness."

2) MIAMI BEACH CHARTER (SECTION 1.03(b)):

Section 1.03(b) of the Miami Beach City Charter, entitled "Alienability of property", provides that the "the only limitation concerning alienability of City-owned property is

the restriction of the sale, exchange, conveyance or lease of five (5) years or longer (including option periods) of park, recreation, or waterfront property in the City of Miami Beach while it is being used for such public purpose, unless such sale, exchange, conveyance or lease is approved by a majority vote of the voters in a City-wide referendum.

As the proposed Third Amendment to Lease Agreement does not contemplate any sale, exchange, conveyance, or lease of the Lease Premises, beyond the rights conveyed in the 1985 Lease Agreement, Section 1.03(b) of the City Charter does not apply.

The proposed Concession Agreement does not contemplate a sale, exchange or lease of the concession area. The sole determination is whether the Concession Agreement is a "conveyance," as contemplated under Section 1.03(b) of the City Charter.

The Agreement specifically states that neither a leasehold interest or any other property interest is intended to be conveyed through the Concession Agreement. The Agreement merely grants Penrod's the privilege and/or license to provide certain services consistent with beachfront concession operations, as well as the sale of food and beverages, upon the concession area. The Agreement further requires Penrod's to acknowledge that said services must be provided within the context of a public park and that, as such, the concession area is open and available to the public. The transaction does not grant Penrod's any sort of property right typically associated with a fee interest, created by either a sale or exchange of property, or a leasehold interest. The rights granted by the Concession Agreement are more in keeping with the rights granted pursuant to the issuance of a license and, like a license, those rights are revocable upon 180 days notice to Penrod's.

Although Section 1.03(b) of the City Charter does not define the term "conveyance", Article II of the City Code, which governs the sale or lease of City property, and which sets forth stringent requirements to be complied with prior to the sale and/or lease of City property (including but not limited to, competitive bidding; Planning Department analysis, appraisal; and public hearing), does define the term. In Article II, Section 82-36, which defines what constitutes a "sale" of City property for purposes of applying the requirements of Article II, a sale is defined as "**any conveyance, transfer, gift, exchange or other transaction in which legal title passes from the City to any person or entity...**" [Emphasis Supplied]. Further, Section 82-36 also specifically **exempts** concession agreements from compliance with the City Code procedures governing sale/lease of City property. Finally, Merriam-Webster's Collegiate Dictionary (9th ed. 1991), defines a "conveyance" as "an instrument by which title to property is conveyed...".

Section 1.03(b) of the City Charter is intended to impose an additional level of scrutiny, beyond the requirements for sale and/or lease of City property in Article II of the City Code, with regard to the disposition of park and waterfront property in the City. However, upon reading the definition of the term "conveyance" in Article II, Section 82-36, as well as Webster's definition of a "conveyance", it is clear that the type of "conveyance" intended to trigger the requirements of Section 1.03(b) is one where the intent is that the City convey legal title or a leasehold interest of five (5) years or more to another entity. The attached Concession Agreement does not rise to the level prescribed by Section 1.03(b) of the Charter and is similar in nature to the numerous beachfront concessions which exist and have existed in the past.

The Administration recommends that that the Mayor and City Commission waive by 5/7ths vote, the competitive bidding requirements, finding such waiver to be in the best interest of the City, and 1) approve a Concession Agreement by and between the City of Miami Beach and Penrod Brothers,

Inc., for the rental of lounging equipment and for providing food and beverage service in the Pier Park Concession Area, Miami Beach, Florida, and 2) approve a third Amendment to the Lease Agreement between the City of Miami Beach and Penrod Brothers, Inc. for the restaurant property, also located at One Ocean Drive, Miami Beach, Florida.


JMG:CMC:RJA:JD:rlr

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONCESSION AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC., FOR THE MANAGEMENT AND OPERATION OF A CONCESSION IN THAT PORTION OF PIER PARK SEAWARD OF THE FOOTPRINT OF THE PENROD'S RESTAURANT, LOCATED AT ONE OCEAN DRIVE, MIAMI BEACH, FLORIDA; SAID AGREEMENT HAVING AN INITIAL TERM OF TWO (2) YEARS, SEVEN (7) MONTHS AND SIX (6) DAYS, COMMENCING RETROACTIVELY ON OCTOBER 1, 2003, AND EXPIRING ON MAY 6, 2006, WITH AN OPTION TO RENEW TO RUN CONCURRENTLY WITH THE TERM OF THAT CERTAIN LEASE AGREEMENT ENTITLED, "LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC. FOR A PIER PARK RESTAURANT FACILITY"; PROVIDED FURTHER THAT SAID CONCESSION AGREEMENT IS TERMINABLE BY THE CITY WITHOUT CAUSE AND FOR CONVENIENCE, UPON 180 DAYS WRITTEN NOTICE TO PENROD'S

WHEREAS, on October 2, 1985, the Mayor and City Commission adopted Resolution No. 85-18222, approving a Concession Agreement, dated November 7, 1985, between the City and Penrod Brothers, Inc. (Penrod's) for the rental of beach equipment, water recreation equipment and food and beverage service at Pier Park, Oceanfront Park, and Lummus Park, and the respective beachfront areas seaward thereof, for a period of fifteen (15) years (the Penrod's Concession Agreement); and

WHEREAS, on October 2, 1985, the Mayor and City Commission also adopted Resolution No. 85-18223, approving a Lease Agreement, dated November 7, 1985, between the City and Penrod's for the development, construction and operation of a restaurant and associated uses at Pier Park for a term of twenty (20) years, with two (2) additional ten (10) year options automatically renewable at Penrod's discretion (the Pier Park Restaurant Lease Agreement); and

WHEREAS, the Penrod's Concession Agreement, as amended, was scheduled to expire on November 4, 2000; however on October 18, 2000, the Mayor and City Commission, in order to allow for the issuance of a Request for Proposals (RFP) for the future operation of beachfront concessions on the beaches seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park, approved an amendment to said Concession Agreement, providing, in part, for a one year extension; to expire on November 4, 2001; and

WHEREAS, said RFP did not include the portion of Pier Park, or the beaches seaward thereof; and

WHEREAS, said RFP was awarded to Boucher Brothers Miami Beach LLC, as the successful proposer, and a new concession agreement was approved by the Mayor and City Commission and became effective on November 5, 2001; and

WHEREAS, the Boucher Brothers' concession agreement did not include the portion of Pier Park and the beaches seaward thereof formerly addressed within the Penrod's Concession Agreement, including the immediate area directly adjacent to the Pier Park Restaurant Lease Premises; and

WHEREAS, Penrod's subsequently entered into discussions with the City and (as it had always serviced that area through the Penrod's Concession Agreement) requested that the City permit it to continue servicing patrons in the portion of the Pier Park area east of its restaurant and the beaches seaward thereof; and

WHEREAS, in response to Penrod's request, the Administration reviewed the matter and concluded that, as Penrod's was the original developer and long term Lessee of the upland Pier Park Restaurant, it would be in the best interest of the City to have the same operator (Penrod's) continue to provide concession services and operations, as were formerly provided by Penrod's when it controlled the subject area pursuant to the Penrod's Concession Agreement; and

WHEREAS, the Administration has successfully negotiated the attached Concession Agreement with Penrod Brothers for the operation and management of a concession for lounging equipment rentals and food and beverage sales, in the portion of Pier Park seaward of the footprint of the Pier Park Restaurant Lease Premises; and

WHEREAS, the Concession Agreement is for an initial term of two (2) years, seven (7) months and six (6) days, commencing retroactively on October 1, 2003, and expiring on May 6, 2006, with an option to renew to run concurrent with the term of the Pier Park Restaurant Lease Agreement; and

WHEREAS, said Concession Agreement is terminable for convenience by the City, at its discretion, and without cause, upon 180 days written notice to Penrod's; and

WHEREAS, the Administration would recommend that the Mayor and City Commission further waive, by 5/7^{ths} vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve the attached Concession Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein waive, by 5/7^{ths} vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve and authorize the Mayor and City

Clerk to execute the attached Concession Agreement by and between the City and Penrod Brothers, Inc., for the management and operation of a concession in that portion of Pier Park seaward of the footprint of the Penrod's Restaurant, located at One Ocean Drive, Miami Beach, Florida; said Agreement having an initial term of two (2) years, seven (7) months and six (6) days, commencing retroactively on October 1, 2003, and expiring on May 6, 2006, with an option to renew to run concurrently with the term of that certain Lease Agreement entitled, "Lease Agreement between the City of Miami Beach and Penrod Brothers, Inc. for a Pier Park Restaurant Facility"; provided further that said Concession Agreement is terminable by the City without cause and for convenience, upon 180 days written notice to Penrod's.

PASSED AND ADOPTED THIS 25th day of February 2004.

CITY CLERK

MAYOR

JMG:CMC:JD:rlr

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-20-04
Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A THIRD AMENDMENT TO THAT CERTAIN LEASE AGREEMENT ENTITLED, "LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PENROD BROTHERS, INC. FOR A PIER PARK RESTAURANT FACILITY", FOR USE OF THE PROPERTY LOCATED AT ONE OCEAN DRIVE, MIAMI BEACH, FLORIDA; SAID THIRD AMENDMENT INCREASING THE PERCENTAGE RENT DUE TO THE CITY AND CORRECTING SCRIVENER'S ERRORS IN EXHIBITS "A" (SITE PLAN) AND "B" (LEGAL DESCRIPTION) TO THE AGREEMENT

WHEREAS, on October 2, 1985, the Mayor and City Commission adopted Resolution No. 85-18223, approving a Lease Agreement between the City and Penrod Brothers, Inc. (Penrod's) for the development, construction, management and operation of a restaurant facility in Pier Park (the Lease Agreement); and

WHEREAS, on October 2, 1985, the Mayor and City Commission also adopted Resolution No. 85-18222, approving a Concession Agreement, dated November 7, 1985, between the City and Penrod's for the sale of food and beverages and rental of lounging and related equipment to service patrons within a portion of Pier Park adjacent to the Lease Premises (the Pier Park Concession Agreement), which Concession Agreement expired on November 4, 2001; and

WHEREAS, on March 2, 1988, the Mayor and City Commission adopted Resolution No. 88-19178, approving the First Amendment to the Lease Agreement, thereby amending the building footprint and appropriating funds for construction of a portion of the Pier Park parking area; and

WHEREAS, on April 6, 1988, the Mayor and City Commission adopted Resolution No. 88-19211, approving the Second Amendment to the Lease Agreement, thereby revising the site plan (Exhibit A) and legal description (Exhibit B); and

WHEREAS, on November 5, 2001, the City entered into a new concession agreement with Boucher Brothers Miami Beach LLC, as the successful proposer pursuant to Request for Proposals (RFP) No. 22-00/01, for the operation of beachfront concessions on the beaches seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park, but neither said RFP nor the resulting concession agreement with Boucher Brothers addressed the area within a portion of Pier Park adjacent to Penrod's Pier Park restaurant facility (the Lease Premises), which had formerly (since 1985) been operated and managed under the Pier Park Concession Agreement; and

WHEREAS, upon an initial request by Penrod's to continue to operate and manage the concession within the aforesated portion of Pier Park adjacent to the Lease Premises,

the Administration has successfully negotiated a concession agreement (the Pier Park Concession Agreement), and said Agreement was approved by the Mayor and City Commission on February 25, 2004, pursuant to Resolution No. 2004-_____ ; and

WHEREAS, pursuant to the parties' negotiation of the Pier Park Concession Agreement, the City and Penrod's agreed to re-visit and negotiate the financial terms governing the Lease Agreement, particularly with regard to payment of the percentage rent due to the City, and the Concession Agreement, as approved, provides that the City and Penrod's shall amend the Lease Agreement to reflect said renegotiated rent; and

WHEREAS, additionally, the parties wish to correct a long-standing scrivener's error in the exhibits to the Lease Agreement referencing the building footprint (site plan) and the legal description, to correspond with the position of the building as actually constructed, but in no way materially altering or expanding the square footage and/or size of the Leased Premises; and

WHEREAS, accordingly, the parties have negotiated the foregoing Third Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein approve and authorize the Mayor and City Clerk to execute the Third Amendment to that certain Lease Agreement entitled, "Lease Agreement between the City of Miami Beach and Penrod Brothers, Inc. for a Pier Park Restaurant Facility", for use of the property located at One Ocean Drive, Miami Beach, Florida; said Third Amendment increasing the percentage rent due to the City and correcting scrivener's errors in Exhibits "A" (Site Plan) and "B" (Legal Description) to the Agreement.

PASSED AND ADOPTED THIS 25th day of February 2004.


CITY CLERK

MAYOR


JMG:CMC:JD:rlr

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

 2-20-04

Date

Penrod Brothers, Inc. Concession Agreement

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**CONCESSION AGREEMENT BETWEEN
CITY OF MIAMI BEACH, FLORIDA AND
PENROD BROTHERS, INC. FOR
MANAGEMENT AND OPERATION OF A CONCESSION
IN A PORTION OF PIER PARK**

THIS CONCESSION AGREEMENT made the 25th day of February, 2004, between the **CITY OF MIAMI BEACH**, a municipal corporation of the State of Florida (hereinafter called "City"), having its principal address at 1700 Convention Center Drive, Miami Beach, Florida, 33139, and **PENROD BROTHERS, INC.**, a corporation of the State of Florida, with offices at One Ocean Drive, Miami Beach, Florida, 33139 (hereinafter called "Concessionaire").

WITNESSETH

WHEREAS, on October 2, 1985, the Mayor and City Commission adopted Resolution No. 85-18222, approving a Concession Agreement, dated November 7, 1985, between the City and Penrod Brothers, Inc. (Penrod's) for the rental of beach equipment, water recreation equipment and food and beverage service at Pier Park, Oceanfront Park, and Lummus Park, and the respective beachfront areas seaward thereof, for a period of fifteen (15) years (the Penrod's Concession Agreement); and

WHEREAS, on October 2, 1985, the Mayor and City Commission also adopted Resolution No. 85-18223, approving a Lease Agreement, dated November 7, 1985, between the City and Penrod's for the development, construction and operation of a restaurant and associated uses at Pier Park for a term of twenty (20) years, with two (2) additional ten (10) year options automatically renewable at Penrod's discretion (the Pier Park Restaurant Lease Agreement); and

WHEREAS, the Penrod's Concession Agreement, as amended, was scheduled to expire on November 4, 2000; however on October 18, 2000, the Mayor and City Commission, in order to allow for the issuance of a Request for Proposals (RFP) for the future operation of beachfront concessions on the beaches seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park, approved an amendment to said Concession Agreement, providing, in part, for a one year extension; to expire on November 4, 2001; and

WHEREAS, said RFP did not include the portion of Pier Park, or the beaches seaward thereof; and

WHEREAS, said RFP was awarded to Boucher Brothers Miami Beach LLC, as the successful proposer, and a new concession agreement was approved by the Mayor and City Commission and became effective on November 5, 2001; and

WHEREAS, the Boucher Brothers' concession agreement did not include the portion of Pier Park and the beaches seaward thereof formerly addressed within the Penrod's Concession Agreement, including the immediate area directly adjacent to the Pier Park Restaurant Lease Premises; and

WHEREAS, Penrod's subsequently entered into discussions with the City and (as it had always serviced that area through the Penrod's Concession Agreement) requested that the City permit it to continue servicing patrons in the portion of the Pier Park area east of its restaurant and the beaches seaward thereof; and

WHEREAS, in response to Penrod's request, the Administration reviewed the matter and concluded that, as Penrod's was the original developer and long term Lessee of the upland Pier Park Restaurant, it would be in the best interest of the City to have the same operator (Penrod's) continue to provide concession services and operations, as were formerly provided by Penrod's when it controlled the subject area pursuant to the Penrod's Concession Agreement; and

WHEREAS, the Administration has successfully negotiated the attached Concession Agreement with Penrod Brothers for the operation and management of a concession for lounging equipment rentals and food and beverage sales, in the portion of Pier Park seaward of the footprint of the Pier Park Restaurant Lease Premises; and

WHEREAS, the Concession Agreement is for an initial term of two (2) years, seven (7) months and six (6) days, commencing retroactively on October 1, 2003, and expiring on May 6, 2006, with an option to renew to run concurrent with the term of the Pier Park Restaurant Lease Agreement; and

WHEREAS, said Concession Agreement is terminable for convenience by the City, at its discretion, and without cause, upon 180 days written notice to Penrod's; and

WHEREAS, the Administration would recommend that the Mayor and City Commission further waive, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve the attached Concession Agreement.

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby conclusively acknowledged, it is agreed by the parties hereto as follows:

The City hereby grants to the Concessionaire, and the Concessionaire hereby accepts from the City, the exclusive right to operate the following described concession within a portion of the City owned property known as Pier Park, located at One Ocean Drive, in conformance with the purposes and for the period stated herein and subject to all the terms and conditions herein contained and fairly implied by the terms hereinafter set forth.

SECTION 1. TERM.

- 1.1 It is the intent of the parties that the term of this Agreement, including any renewal terms, is to run concurrent with the term of that certain Lease Agreement entitled; "Lease Agreement between the City of Miami Beach and Penrod Brothers, Inc. for a Pier Park Restaurant Facility", dated November 7, 1985. Accordingly, this Concession Agreement shall be for an initial term of two (2) years, seven (7) months and six (6) days, commencing retroactively on the first day of October, 2003 (the "Commencement Date"), and ending on the sixth day of May, 2006. For purposes of this Agreement the contract years for the initial term shall be defined as follows:

Year 1: October 1, 2003 – May 6, 2004;
Year 2: May 7, 2004 – May 6, 2005; and
Year 3: May 7, 2005 – May 6, 2006

- 1.2 Provided that the Concessionaire is not in default under Section 13 hereof, and provided further that the Concessionaire, as Lessee, is not in default pursuant to the terms and conditions of that certain lease agreement dated November 7, 1985, entitled, "Lease Agreement between the City of Miami Beach and Penrod Brothers, Inc. for a Pier Park Restaurant Facility" (Pier Park Restaurant Lease Agreement), this Concession Agreement shall have two (2) ten (10) year options for renewal. Such options shall be considered automatically renewed unless Concessionaire advises the City Manager, in writing, at least six (6) months prior to the expiration of the preceding term that Concessionaire does not wish to exercise the option.

Renewal term contract years shall commence on May 7, and end on May 6th of the following year.

Additionally, in the event that Concessionaire, as Lessee under the Pier Park Restaurant Lease Agreement, does not exercise its option to renew said Lease pursuant to Paragraph 3 of said Lease Agreement, then this Concession Agreement shall automatically terminate, and shall be null and void and of no further force and effect. Additionally, if, at any time during the term of this Concession Agreement, the Pier Park Restaurant Lease Agreement is terminated or otherwise ceases to be of any legal force and effect, for whatever reason whatsoever, then this Concession Agreement shall automatically terminate, and shall be null and void and of no further force and effect.

SECTION 2. CONCESSION AREA.

- 2.1 The portion of the City owned property known as Pier Park subject to this Concession Agreement is specifically described in Exhibit A, hereto attached and incorporated herein (herein after referred to as Concession Area).
- 2.2 Notwithstanding the Concession Area granted to Concessionaire above, Concessionaire herein understands, agrees, and acknowledges that the aforestated Concession Area, along with any and all other public park area

not specifically identified herein, are public and, as such, must remain available for the use and enjoyment of the general public whether or not the public chooses to use any of Concessionaire's facilities, equipment, purchase its products, or engage in any of the services it provides. In the event that a member of the public is within the Concession Area, or desires access to the Concession Area, as set forth herein, Concessionaire agrees to allow for his/her access and continued peaceful enjoyment of said Area. Concessionaire shall at no time charge an admission fee for entry and/or access to the Concession Area.

SECTION 3. USE(S).

The Concessionaire is hereby authorized to conduct the following kind(s) of businesses and provide the following kind(s) of services within the Concession Area, as provided below; all at its sole cost and expense:

3.1 Rental of Lounging and Related Equipment.

This shall generally include the rental of lounge chairs and related lounge seating, including but not limited to, beds, settees, divans, lounge "teepees", and related pads, cushions, umbrellas and sun canopies (collectively, lounging and related equipment). The City herein approves the rental of lounging and related equipment, as defined in the preceding sentence and the prices for same; all as set forth in Exhibit 3.1, attached hereto and incorporated herein. Any amendments to Exhibit 3.1, whether as to type(s) of equipment to be rented or as to changes in prices for same, must be approved in writing by the City Manager or his designee prior to such changes being implemented within the Concession Area, and a new updated Exhibit 3.1 will be incorporated into this Agreement.

3.1.1 The design, type, material, and color of any and all lounging and related equipment, as defined above, shall be submitted to and approved in writing by the City Manager or his designee prior to execution of this Agreement by the parties hereto. A photo or photos of such City approved lounging and related equipment is incorporated herein and attached hereto as Exhibit 3.1.1. Thereafter, Concessionaire shall not change, alter, or modify said City approved design, type, material and color of any beach equipment without the prior written consent of the City Manager or his designee, and, if so approved, an updated Exhibit 3.1.1 will be made a part of and incorporated into this Agreement.

3.1.2 Prior to execution of this Agreement by the parties hereto, Concessionaire shall also submit for approval, in writing, by the City Manager or his designee, the prices to be charged for rental of such lounging and related equipment, as shall have been approved by the City Manager and/or his designee, pursuant to Section 3.1 above, and such approved prices shall be incorporated and attached hereto as Exhibit 3.1.

- 3.1.3 Any amendments to Exhibit 3.1, whether as to type(s) of lounging and related equipment to be rented or as to changes in prices for same, must be approved in writing by the City Manager and/or his designee prior to such changes being implemented within the Concession Area, and a new updated Exhibit 3.1 will be submitted and incorporated into this Agreement. Notwithstanding the foregoing required approval by the City Manager and/or his designee, Concessionaire may increase the prices to be charged for rental of such lounging and related equipment by an amount equal to the percentage increase in the Consumer Price Index, All Urban Consumers (CPI-U) U.S. City Average for the previous contract year or years as published by United States Department of Labor, Bureau of Labor Statistics, with the baseline established as October 2003; however, prior to implementation of such increase, Concessionaire shall provide City with a new updated Exhibit 3.1, as required in the preceding sentence. Concessionaire agrees that any such increases shall not be permitted to occur more than once per contract year.
- 3.1.4 The set up of lounging and related equipment to be placed within the Concession Area shall be placed substantially in accordance to a site plan, which shall be approved by the City Manager and/or his designee and attached hereto and incorporated herein as Exhibit 3.1.4. Concessionaire shall not deviate from or alter the approved site plan(s) without the prior written consent of the City Manager or his designee.
- 3.1.5 The parties acknowledge that Concessionaire's patrons may themselves relocate lounging and related equipment within the Concession Area. Such relocation shall be permitted, provided that, in the aggregate, Concessionaire does not materially alter, or allow to be materially altered, the configuration of the Concession Area, as set forth in the site plan approved pursuant to Exhibit 3.1.4. In the event of this occurrence, Concessionaire shall immediately correct any material alteration within the Concession Area to bring same back into substantial compliance with the approved site plan.
- 3.1.6 The condition and quality of Concessionaire's lounging and related equipment shall at all times be maintained in a manner that is consistent with the condition and quality of first class concession equipment located on public beaches adjacent to world class beach resorts. It is the City's intent, and Concessionaire hereby agrees and acknowledges same, to develop and promote world class public concession facilities and operations. Accordingly, Concessionaire shall not only, at a minimum, maintain all lounging and related equipment placed within the Concession Area in usable condition, but shall adhere, as indicated in this Subsection, to high ongoing maintenance standards for same. Within thirty (30) days of execution of this Agreement by the parties hereto, Concessionaire shall provide City with a full inventory of all lounging and related equipment contemplated for use herein, including types and numbers (per item);

dates of lease and/or purchase; and initial condition, established as of the date of inventory. Thereafter, City and Concessionaire shall jointly prepare a plan and schedule for the ongoing replacement and/or updating of lounging and related equipment throughout the term of this Agreement, and a new inventory shall be submitted by Concessionaire to the City.

3.2 Food and Beverage Service.

- 3.2.1 Concessionaire shall offer for sale within the Concession Area, such food and beverages which, at a minimum, are consistent with the type and quality of food and beverages prepared and sold within the Pier Park Restaurant Facility, as provided pursuant to the terms and conditions of the Pier Park Restaurant Lease Agreement. However, actual cooking and heating within or on the Concession Area shall not be allowed, other than the cooking of food on a temporary, non-permanent barbeque grill, which shall be approved, in writing, by the City on a case-by-case basis, prior to implementation of same on the Concession Area.
- 3.2.2 All food and beverages sold or otherwise offered within the Concession Area will be subject to any and all terms and conditions governing food and beverage service under the Pier Park Restaurant Lease Agreement and shall be dispensed only from the Pier Park Restaurant Facility.
- 3.2.3 The City herein allows Concessionaire the right to serve and sell alcoholic beverages within the Concession Area, for consumption on the premises, subject to Concessionaire's compliance, at all times, with whatever restrictions and/or regulations are or may be imposed by the State of Florida, Miami-Dade County, and/or the City, with respect to the dispensing and sale of alcoholic beverage, as well as, alcoholic beverage license requirements. Notwithstanding the preceding sentence, all alcoholic beverages shall be dispensed only from the Pier Park Restaurant Facility, and Concessionaire shall not be permitted to erect or maintain upon the Concession Area, any permanent or temporary structure and/or area for the dispensing or sale of alcoholic beverages (i.e.: bars, mini bars, etc.).

3.3 Construction of Concession Storage Facility.

- 3.3.1 City herein allows Concessionaire to construct a storage facility, to be utilized by Concessionaire for the sole purpose of storing Concession Area lounging and related equipment, tables and chairs, and any and all other equipment and or items to be utilized for the purpose of operating and maintaining the Concession Area; said storage facility to be located in that area of the Concession Area on the northern side of the Pier Park Restaurant Facility, and further such specific location subject to the prior written approval of the City Manager or his designee, and to be specifically identified on Exhibit A to this

Concession Agreement. Any and all costs associated with the design, permitting and any required approvals, construction, and maintenance shall be at the sole cost and expense of the Concessionaire.

- 3.3.2 Concessionaire shall be solely responsible for obtaining all approvals from the City and any other regulatory agencies, including approvals by the City in its regulatory capacity.
- 3.3.3 Concessionaire shall submit to City, acting in its proprietary capacity as owner of the property, plans and specifications for the Storage Facility, to be submitted to the City Manager or his designee for his review and approval.
- 3.3.4 Following review and approval of the plans and specifications, Concessionaire shall seek and obtain any and all necessary approvals and permits, including but not limited to, a building permit for construction of the proposed facility.
- 3.3.5 Concessionaire shall not commence construction until all necessary permits and approvals for construction of the facility are issued, and, following commencement shall thereafter continue to prosecute construction of the Storage Facility with diligence and continuity to completion.
- 3.3.6 Substantial completion of the Storage Facility shall be completed no later than six (6) months from the issuance of a building permit for same.
- 3.3.7 Upon expiration or termination of this Concession Agreement ownership of the Storage Facility shall vest in the City of Miami Beach and the City shall have the right to possession of same.
- 3.3.8 Concessionaire herein acknowledges, represents and warrants that any cost associated with the construction of the aforesated Storage Facility shall not be considered part of, nor applied to, the required Concessionaire's Capital Improvements (CCI), as set forth in Subsection 4.6 of this Agreement.

3.4 Hurricane Evacuation Plan.

Concessionaire agrees that all its facilities, equipment and any and all other items used in the concession operations will be removed from the Concession Area immediately within eight (8) hours of the issuance of a Hurricane Warning by the Miami-Dade County Office of Emergency Management, and stored at an approved location. Prior to execution of this Agreement by the parties hereto, Concessionaire shall provide the City Manager or his designee with a hurricane preparedness/evacuation plan, which shall include the location of its proposed off-site hurricane storage facility.

3.5 City Occupational Licenses.

Concessionaire shall obtain, at its sole cost and expense, any occupational licenses required by City law, as amended from time to time, for the proposed uses contemplated in Section 3 of the Agreement. Concessionaire will be required to obtain two (2) occupational licenses for: (i) Rental of lounging and related equipment; (ii) Food and Beverage Service.

SECTION 4. CONCESSION FEES.

4.1 Minimum Guarantee (MG):

In consideration of the City's execution of this Agreement and grant of the rights provided herein, commencing retroactively on October 1, 2003, and thereafter on May 7 of each contract year during the initial term of the Agreement, as well as any renewal terms, the Concessionaire shall pay to the City a Minimum Guaranteed Annual Concession Fee (MG) equal to a percentage of Concessionaire's gross receipts. The MG shall be payable as monthly percentage rent to the City by the fifteenth (15) day of each month for the preceding month, and said payment shall be accompanied by a statement of gross receipts for the preceding month. At the time of delivery to the City of the Annual Statement of Gross Receipts, as required pursuant to Section 6, Concessionaire shall also pay to the City any adjustment due the City.

4.1.1 For purposes of calculation of any increase of MG, as set forth below, and any other term and condition of this Agreement relating to the MG, the base dollar amount used shall be the original MG contemplated in this Agreement for the first contract year, which is \$400,000. At the commencement of the second contract year, or May 7, 2004, the MG shall be automatically increased, by five percent (5%) per year, from the previous year's MG. At the commencement of the fourth contract year, or May 7, 2006, and every fourth contract year thereafter, the City shall review Concessionaire's annual gross receipts and recalculate the MG to an amount equal to seventy-five (75%) percent of six and one half (6.5%) percent of the prior three (3) contract year averages of gross receipts. Said adjusted MG shall be payable as set forth in this Section 4.1, and the annual five (5%) percent increase shall continue to apply to the recalculated MG amount.

4.1.2 For each contract year, in the event that the amount equal to six and one half (6.5%) percent of Concessionaire's gross receipts, as such term is defined in the Pier Park Restaurant Lease Agreement, as amended, does not meet the MG amount, as established pursuant to Subsection 4.1.1, then the Concessionaire shall also pay an additional lump-sum amount to the City, equal to the difference between the percentage of gross receipts amount and the MG amount provided in Subsection 4.1.1 above; said amount payable in full at the time of delivery to the City of the Annual Statement of Gross Receipts, or no later than June 30, of each contract year during the term, including renewal terms, of this Agreement.

4.1.3 The parties agree to amend Paragraph 13 of the Pier Park Restaurant Lease Agreement by increasing Penrod's percentage rent due to the City to a maximum of six and one half (6.5%) percent of "gross receipts", as said term is defined in Subsection 4.1.4 , and in the amendment to the Pier Park Restaurant Lease Agreement. Notwithstanding the preceding sentence, the agreement of the parties, as reflected in Subsection 4.2.1, shall also apply to the Pier Park Restaurant Lease Agreement, as amended.

4.1.4 The term "gross receipts" is understood to mean all income, whether collected or accrued, derived by Penrod's (whether as Concessionaire under this Agreement or as Lessee under the Pier Park Restaurant Lease Agreement), or any licensee, sub-concessionaire, or sub-tenant of Penrod's (whether as Concessionaire under this Agreement or as Lessee under the Pier Park Restaurant Lease Agreement), from all business conducted upon or from the Concession Area or the "Premises", as such term is defined in the Pier Park Restaurant Lease Agreement, including but not limited to receipts from sale of food, beverages, alcoholic beverages, rental of lounging and related equipment, sale of merchandise, rental of space, including percentage rents, or from any other source whatsoever. The term "gross receipts" shall exclude amounts of any Federal, State, or City sales tax, or other governmental imposition, assessment, charge or expense of any kind, collected by the Concessionaire and required by law to be remitted to the taxing or other governmental authority.

4.2 Prorated MG for First Contract Year.

Notwithstanding anything contained in Subsection 4.1, City and Concessionaire agree that the MG for the first contract year (the first contract year being defined as the period from October 1, 2003 through May 6, 2004) shall be Two Hundred Thirty Nine Thousand Three Hundred Forty Four (\$239,344) Dollars. This sum represents the prorated amount based upon the annual base MG of four hundred thousand (\$400,000) dollars.

4.2.1 Notwithstanding Subsection 4.1.2, upon commencement of the Agreement, and effective retroactively to October 1, 2003, Concessionaire shall make a monthly MG payment in an amount equal to five and one half (5.5%) percent of Concessionaire's gross receipts. The monthly 5.5% MG payment amount shall be increased to the required six and one half (6.5%) percent MG payment amount (Subsection 4.1.2), upon the City's sole determination that Penrod's, both as Concessionaire under this Agreement and as Lessee under the Pier Park Restaurant Lease Agreement, has achieved the "target revenue threshold"; said term herein defined as the amount equal to the average of the Fiscal Year (FY) 2001/2002 (October 1-September 30) and Fiscal Year 2002/2003 gross receipts (as said term is defined in Subsection 4.1.4).

The parties agree that the target revenue threshold is herein established as the sum of \$12,818,026. This sum is based on the

average of gross receipts for FY 2001/2002, which equals the sum of \$12,222,358, and FY 2002/2003 gross receipts, which equals \$13,413,695.

- 4.2.2 Upon Concessionaire's achievement of the target revenue threshold, Concessionaire shall pay the lump sum amount to the City, equal to the difference between the 5.5% and 6.5% for the contract year in which the target revenue threshold was met; said amount payable in full at the time of delivery to the City of Concessionaire's Annual Statement of Gross Receipts. Thereafter, Concessionaire shall continue to make MG payments in the required amount of 6.5% of Concessionaire's gross receipts, as provided by this Section.

4.3 Retroactive Remuneration.

In addition to the amount set forth in Subsection 4.2, Concessionaire agrees to pay City the sum of Seven Hundred Sixty Seven Thousand Five Hundred Thirty Three (\$767,533) Dollars representing the parties' agreed upon retroactive remunerations for the period from November 1, 2001 through September 30, 2003. Said retroactive remuneration shall be payable as follows:

- i) \$400,000 to be payable as follows:

prior to execution of this Agreement	-	\$100,000
April 1, 2004	-	\$100,000
May 1, 2004	-	\$100,000
May 31, 2004	-	\$100,000
- ii) The remaining balance of Three Hundred Sixty Seven Thousand Five Hundred Thirty Three (\$367,533) Dollars to be applied to a portion of Concessionaire Capital Improvements, as set forth in Subsection 4.6.

4.4 Interest for Late Payment.

Any payment which Concessionaire is required to make to City which is not paid on or before the respective date provided for in this Agreement shall be subject to interest at the rate of twelve percent (12%) per annum, from the due date of payment until such time as payment is actually received by the City.

4.5 Sales and Use Tax.

It is also understood that the required Florida State Sales and Use Tax shall be added to Concessionaire's payments and forwarded to the City as part of said payments. It is the City's intent that it is to receive all payments due from Concessionaire as net of such Florida State Sales and Use Tax.

4.6 Concessionaire's Capital Improvements (CCI).

- 4.6.1 As a further inducement for the City to enter into this Agreement, Concessionaire shall, at its sole cost and expense, agree to make a minimum investment in capital improvements, in an amount not less

than \$500,000, either within the Concession Area or within the "Premises", as said term is defined in the Pier Park Restaurant Lease Agreement.

4.6.2 In addition to the capital improvements required in Subsection 4.6.1, Concessionaire shall satisfy the balance of the Retroactive Remuneration, as required in Subsection 4.3(ii), by making capital improvements within the Concession Area, in amount not less than \$367,533. Notwithstanding the preceding sentence, said capital improvements must, at a minimum, include the design and construction, at Concessionaire's sole cost and expense, of an outdoor public restroom facility to service Pier Park patrons and exterior access signage. In the event that Federal, State or local permitting requirements prohibit the construction of the restroom facility within the Concession Area, then the parties shall mutually agree to construct said restroom facility in another area within Pier Park.

4.6.3 Any and all capital improvements contemplated in Subsections 4.6.1 and 4.6.2 shall first be agreed to and approved by the City and shall, at a minimum, be compatible with the current design and use of the Concession Area and Premises, and relate to Penrod's operation and management of same. Upon the parties execution of this Agreement, Concessionaire shall, within thirty (30) days, for the storage facility contemplated pursuant to Subsection 4.6.1, and within ninety (90) days for the CCI's contemplated pursuant to Subsection 4.6.2, submit a detailed proposal to City, for its review, outlining the proposed capital improvements within the Concession Area and/or Premises; costs for each improvement(s); time frame for completion.

4.6.4 Following written approval of Concessionaire's proposed capital improvement(s), the parties agree to coordinate and cooperate in the planning, permitting, scheduling, and approval of the design, construction and operation of same. Concessionaire shall undertake and complete the design, development, permitting and approval, and construction of any agreed upon capital improvement(s), in such time, order and manner as City and Concessionaire may mutually agree upon.

4.6.5 Notwithstanding anything contained in this Subsection 4.6, it shall be Concessionaire's sole responsibility, cost, and expense to design, develop, obtain permits and approvals, construct, and maintain and operate all approved capital improvement(s). Concessionaire further acknowledges, and herein represents and warrants, that the City shall not be obligated to fund any costs related to any approved capital improvement(s), including maintenance and operation costs.

4.7 Reverter in the Event of Economic Downturn.

In the event that Concessionaire deems that, as a result of a downturn in the economy, a financial hardship has occurred for Concessionaire such that

Concessionaire is no longer financially able to remit the MG amount required in Subsection 4.1.1 of the Agreement, Concessionaire shall provide the City Manager with a minimum of one hundred eighty (180) days written notice of its intent to terminate this Concession Agreement as a result of changed economic circumstances. Upon termination of the Agreement, City and Concessionaire agree to amend the Pier Park Restaurant Lease Agreement, if required, to provide that (i) Concessionaire shall no longer be required to pay the 6.5% MG amount under the Lease, and (ii) that Concessionaire shall resume payment under the Pier Park Restaurant Lease Agreement of the maximum amount equal to 3.5% of gross receipts (said 3.5% amount being the amount referenced in the Lease prior to execution of this Agreement by the parties).

Additionally, upon termination of the Agreement pursuant to this Subsection 4.7, Concessionaire shall immediately surrender the Concession Area and restore same to a satisfactory condition, as shall be determined solely by the City in its reasonable discretion and judgment.

SECTION 5. MAINTENANCE AND EXAMINATION OF RECORDS.

Concessionaire shall maintain current, accurate, and complete financial records on an accrual basis of accounting related to its operations pursuant to this Agreement. Systems and procedures used to maintain these records shall include a system of internal controls and all accounting records shall be maintained in accordance with generally accepted accounting principles and shall be open to inspection and audit, but not photocopying, by the City Manager or his designee upon reasonable prior request and during normal business hours. Such records and accounts shall include a breakdown of gross receipts. Concessionaire shall maintain accurate receipt-printing cash registers or a like alternative, which will record and show the payment for every sale made or service provided; and such other records shall be maintained as would be required by an independent CPA in order to audit a statement of annual gross receipts pursuant to generally accepted accounting principles.

A monthly report of gross receipts must be submitted to the City, through the Finance Department's Revenue Supervisor, to be received no later than fifteen (15) days after the close of each month, certified by Concessionaire to be true, accurate and complete.

SECTION 6. INSPECTION AND AUDIT.

Concessionaire shall maintain its financial records pertaining to its operations for a period of three (3) years after the conclusion of any contract year and such records shall be open and available to the City Manager or his designee, as deemed necessary by the City Manager or his designee, but shall not be subject to photocopying. Concessionaire shall maintain all such records at its principal office, currently located at One Ocean Drive, Miami Beach, Florida, 33139, or, if moved to another location, all such records shall be relocated, at Concessionaire's expense, to a location in Miami Beach, within ten (10) days' written notice from the City.

The City Manager or his designee shall be entitled to audit and photocopy, Concessionaire's gross receipts records pertaining to its operation as often as it deems

reasonably necessary throughout the term of this Agreement, and three (3) times within the three (3) year period following termination of the Agreement, regardless of whether such termination results from the natural expiration of the term or for any other reason. The City shall be responsible for paying all costs associated with such audits, unless the audit(s) reveals a deficiency of five percent (5%) or more in Concessionaire's statement of gross receipts for any year or years audited, in which case the Concessionaire shall pay to the City, within thirty (30) days of the audit being deemed final (as specified below), the cost of the audit and a sum equal to the amount of the deficiency revealed by the audit, plus interest; provided, however, the audit shall not be deemed final until Concessionaire has received the audit and has had a reasonable opportunity to review the audit and discuss the audit with the City. Nothing contained within this Section shall preclude the City's audit rights for resort tax collection purposes.

Within sixty (60) days after each contract year, Concessionaire shall submit to City a written Annual Statement of Gross Receipts for such contract year. Said Annual Statement shall be an audited statement of gross receipts, in a form consistent with generally accepted accounting principles.

It is Concessionaire's intent to stay informed of comments and suggestions by the City regarding Concessionaire's performance under the Agreement. Within thirty (30) days after the end of each contract year, Concessionaire and City may meet to review Concessionaire's performance under the Agreement for the previous contract year. At the meeting, Concessionaire and City may discuss quality, operational, maintenance and any other issues regarding Concessionaire's performance under the Agreement.

SECTION 7. TAXES, ASSESSMENTS, AND UTILITIES.

7.1 Concessionaire agrees to and shall pay before delinquency all taxes (including but not limited to resort taxes) and assessments of any kind assessed or levied upon Concessionaire by reason of this Agreement or by reason of the business or other activities of Concessionaire under this Agreement. Concessionaire will have the right, at its own expense, to contest the amount or validity, in whole or in part, of any tax and/or assessment by appropriate proceedings diligently conducted in good faith. Concessionaire may refrain from paying a tax or assessment to the extent it is contesting the assessment or imposition of same in a manner that is in accordance with law; provided, however, if, as a result of such contest, additional delinquency charges become due, Concessionaire shall be responsible for such delinquency charges, in addition to payment of the contested tax and/or assessment if so ordered.

Concessionaire shall also pay for any fees imposed by law for licenses or permits for any business or activities of Concessionaire upon the Concession Area(s) under this Agreement.

Concessionaire shall pay before delinquency any and all charges for utilities used by, for, or on behalf of the operations contemplated herein (including, but not limited to, water, electricity, gas, heating, cooling, sewer, telephone, trash collection, etc.).

7.2 Procedure If Ad Valorem Taxes Assessed.

Notwithstanding Subsection 7.1 above, the parties agree that the operations contemplated within the Concession Area are for public purposes and, therefore, no ad valorem taxes should be assessed by the Miami-Dade County Tax Appraiser. If, however, said taxes are assessed, Concessionaire shall be solely responsible for payment of same.

SECTION 8. EMPLOYEES AND INDEPENDENT CONTRACTORS.

8.1 In connection with the performance of its responsibilities hereunder, Concessionaire may hire its own employees and/or independent contractors, who will be employees and/or independent contractors of Concessionaire and not of the City. Concessionaire shall select the number, function, qualifications, compensation, including benefits (if any), and may, at its discretion and at any time, adjust or revise the terms and conditions relating to such employees and/or independent contractors.

8.2 Concessionaire and its employees and/or independent contractors shall wear identification badges and/or uniforms approved by the City during all hours of operation when such employee or independent contractor is acting within the scope of such employment or such independent contractor relationship. All employees and/or independent contractors shall observe all the graces of personal grooming. The Concessionaire shall hire people to work in its concession operation who are neat, clean, well groomed and shall comport themselves in a professional and courteous manner. The Concessionaire and any persons hired by same, shall never have been convicted of a felony. If Concessionaire materially fails to comply with this provision the City may send notice of default. The Concessionaire shall have an experienced manager or assistant manager(s) overseeing the concession operations at all times, in the Concession Area or immediately available.

SECTION 9. HOURS OF OPERATION.

The Concession Area and concession operations thereon shall be open every day of the year, weather or events of force majeure permitting, and shall be open no earlier than 11.00 AM, and close no later than 5:00 AM. Any change in the hours of operation shall be at the City's sole option and discretion, and any request by Concessionaire for an increase or decrease in same shall be subject to the prior written approval of the City Manager or his designee. Notwithstanding the preceding sentences, public access to the Concession Area, before the Concessionaire opens for business, shall be governed by rules generally applicable to City parks.

SECTION 10. MAINTENANCE.

10.1 Concessionaire's Covenant to Maintain.

The Concessionaire accepts the use of the Concession Area provided in this Agreement in its "as is" condition. Concessionaire assumes sole responsibility and expense for maintenance of the Concession Area and all facilities and equipment therein (including but not limited to, the proposed storage facility contemplated in Subsection 3.3, and any capital

improvement(s) made pursuant to Subsection 4.6), and any and all public areas adjacent to and surrounding the Concession Area as delineated in Exhibit A attached hereto. Concessionaire covenants and agrees with the City that during the term of this Agreement, including renewal terms, Concessionaire will keep in good state of maintenance and repair any and all equipment, buildings, other facilities and structures, landscaping, and any and all other improvements constructed upon or otherwise located upon or within the Concession Area; nor will Concessionaire suffer or permit any strip, waste, neglect, or deterioration of any of the aforementioned to be committed; and the Concessionaire will repair, replace and renovate the Concession Area, and improvements located thereon, as often as shall be necessary to keep it in a first class state of repair and condition.

Concessionaire further assumes sole responsibility and expense for the daily removal of litter, garbage and debris in and around the Concession Area, and the areas mentioned above. Daily maintenance shall be accomplished 365 days per year. Concessionaire agrees, also at its sole cost and expense, to pay for all garbage disposal generated by its operations.

10.2

Garbage Receptacles.

With respect to litter, garbage and debris removal, the Concessionaire shall provide, at its sole cost and expense, receptacles within the confines of the Concession Area and shall provide a sufficient number of these receptacles for its own use and for the use of the public. Disposal of the contents of said receptacles and removal of litter, garbage and debris within the Concession Area, shall be done on a daily basis, and shall be the sole responsibility of the Concessionaire. At all times during the term of this Agreement, Concessionaire shall maintain an agreement with a trash hauler for garbage disposal and, if requested, provide a copy of such agreement to the City. Any costs for removal of the contents of said trash receptacles by the City, because of the Concessionaire's, or waste contractor's failure to do the same, will be assessed upon, and become the responsibility of the Concessionaire. The dumping or disposal of any refuse, discards, trash or garbage, generated by, or as a result of the concession operations, into any City or Miami-Dade County trash receptacles, by the Concessionaire (including its staff and employees), shall be strictly prohibited. Determination of the "number" of receptacles shall at all times be within the City's sole discretion, and Concessionaire agrees to be bound by same.

10.3

Equipment and Furnishing.

The Concessionaire must provide and maintain, at its own cost and expense, all equipment and furnishings required for the operation and maintenance of the concession. In the event any of the aforesaid items are lost, stolen, or damaged, they shall be immediately replaced or repaired at the sole cost and expense of the Concessionaire.

10.4

Orderly Operation.

Intentionally Omitted.

10.5

No Dangerous Materials.

The Concessionaire agrees not to use or permit in the Concession Area or facilities the storage and/or use of gasoline, fuel oils, diesel, illuminating oils, oil lamps, combustible powered electricity producing generators, turpentine, benzene, naphtha, propane, natural gas, or other similar substances, combustible materials, or explosives of any kind, or any substance or thing prohibited in the standard policies of fire insurance companies in the State of Florida. Any such substances or materials found within the Concession Area shall be immediately removed. Notwithstanding the foregoing, Concessionaire may request prior written approval for the temporary, non-permanent use of outdoor heat lamps and barbeque grill as reflected in the attached site plan (Exhibit A).

Notwithstanding any contrary provisions of this Agreement, Concessionaire, after the Commencement Date, shall indemnify and hold City harmless from any loss, damage, cost, or expense of the City, including, without limitation, reasonable attorney's fees, incurred as a result of, arising from, or connected with the placement by Concessionaire, after the Commencement Date, but during the term of this Agreement, of any "hazardous substance" or "petroleum products" on, under, in or upon the Concession Area as those terms are defined by applicable Federal and State Statute, or any environmental rules and environmental regulations promulgated thereunder; provided, however, Concessionaire shall have no liability in the event of the willful misconduct or gross negligence of the City, its agents, servants or employees. The provisions of this Subsection 10.5 shall survive the termination or earlier expiration of this Agreement.

10.6

Security.

The Concessionaire shall be responsible for and provide reasonable security measures which may be required to protect the Concession Area and any of the equipment, materials and facilities thereon. Under no circumstances shall the City be responsible for any stolen or damaged equipment, materials and facilities, nor shall City be responsible for any stolen or damaged personal property of Concessionaire's patrons, guests, invitees, and/or other third parties.

10.7

Vehicles.

Intentionally Omitted.

10.8

Inspection.

The Concessionaire agrees that the Concession Area and all facilities, equipment, and operations thereon may be inspected at any time by the City Manager or his designee, or by any other Municipal, County, State officer, or agency having responsibilities for inspections of such operations. The Concessionaire hereby waives all claims against the City for compensation for loss or damage sustained by reason of any interference (which interference, if by the City, must be reasonable) with the concession operation by any public agency or official in enforcing their duties or any laws or ordinances. Any such interference (which interference, if by the City, must be reasonable) shall not relieve the Concessionaire from any obligation

hereunder.

SECTION 11. INSURANCE.

Concessionaire shall maintain, at its sole cost and expense, the following types and levels of insurance coverage at all times throughout the term of this Agreement.

- a. Comprehensive General Liability Insurance in the minimum amount of One Million (\$1,000,000) Dollars per occurrence for bodily injury and property damage. This policy must also contain coverage for premises operations, products and contractual liability.
- b. Liquor Liability Insurance in the minimum amount of One Million (\$1,000,000) Dollars.
- c. Workers Compensation Insurance shall be required in accordance with the Laws of the State of Florida.

The policies of insurance referred to above shall not be subject to cancellation or changing coverage except upon at least thirty (30) days prior written notice to the City, and then only subject to the prior written approval of the City Manager or his designee. Prior to execution of this Agreement by the parties hereto, Concessionaire shall provide City with a Certificate of Insurance for each such policy. ALL POLICIES SHALL NAME THE CITY OF MIAMI BEACH FLORIDA AS AN ADDITIONAL NAMED INSURED. All such policies shall be obtained from companies authorized to do business in the State of Florida with an A.M. Best's Insurance Guide (latest edition) rating acceptable to the City's Risk Manager, and any replacement or substitute company shall also be subject to the approval of the City's Risk Manager. Should Concessionaire fail to obtain, maintain or renew the policies of insurance referred to above, in the required amounts, the City may, at its sole discretion, obtain such insurance, and any sums expended by City in obtaining said insurance, shall be repaid by Concessionaire to City, plus ten percent (10%) of the amount of premiums paid to compensate City for its administrative costs. If Concessionaire fails to repay City's expenditures within fifteen (15) days of demand, the total sum owed shall accrue interest at the rate of twelve percent (12%) until paid, and such failure shall be deemed an event of default hereunder.

SECTION 12. INDEMNITY.

- 12.1 In consideration of a separate and specific consideration of \$10.00 and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Concessionaire shall indemnify, hold harmless and defend the City, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of error, omission, or negligent act of Concessionaire, its subconcessionaire(s), agents, servants or employees in the performance of services under this Agreement.
- 12.2 In addition, in consideration of a separate and specific consideration of \$10.00 and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Concessionaire shall indemnify, hold

harmless and defend the City, its agents, servants and employees from and against any claim, demand or cause of action of whatever kind or nature arising out of any misconduct of Concessionaire not included in the paragraph in the Subsection above and for which the City, its agents, servants or employees are alleged to be liable.

12.3 Subsections 12.1 and 12.2 shall survive the termination or expiration of this Agreement. Subsections 12.1 and 12.2 shall not apply, however, to any such liability, that arises as a result of the willful misconduct or gross negligence of the City, its agents, servants or employees.

12.4 Subrogation.

The terms of insurance policies referred to in Section 11 shall preclude subrogation claims against Concessionaire, the City and their respective officers, employees and agents.

12.5 Force Majeure.

Neither party shall be obligated to perform hereunder and neither party shall be deemed to be in default if performance is prevented by:

- a. fire which renders at least thirty percent (30%) of the Concessionaire Area's cumulative facilities and equipment unusable and which is not caused by negligence of Concessionaire;
- b. earthquake; hurricane; flood; act of God; direct act of terrorism; or civil commotion occurring on the Concession Area; or
- c. any law, ordinance, rule, regulation or order of any public or military authority stemming from the existence of economic or energy controls, hostilities, or war.

The parties hereto acknowledge that Concessionaire's obligations and benefits hereunder may be negatively affected by an event of Force Majeure. If an event of Force Majeure occurs during a contract year, and provided further that Concessionaire's minimum guarantee payment(s) to the City for that contract year is greater than the applicable percentage payment, then the City Manager or his designee, in his sole discretion, may extend the term of this Agreement for a reasonable period of time; provided, however, such extension shall take effect only if Concessionaire agrees to such extension.

12.6 Labor Dispute.

In the event of a labor dispute which results in a strike, picket or boycott affecting the Concession Area or operation described in this Agreement, Concessionaire shall not thereby be deemed to be in default or to have breached any part of this Agreement, unless such dispute shall have been caused by illegal labor practices or violations by Concessionaire of applicable collective bargaining agreements and there has been a final determination of such fact which is not cured by Concessionaire within thirty (30) days.

12.7 Waiver of Loss from Hazards.

The Concessionaire hereby expressly waives all claims against the City for loss or damage sustained by the Concessionaire resulting from fire, water, natural disasters/acts of God (e.g. hurricane, tornado, etc.), civil commotion, riot, or any other Force Majeure contemplated in Subsection 12.5 and Labor Dispute in Subsection 12.6 above, and the Concessionaire hereby expressly waives all rights, claims, and demands against the City and forever releases and discharges the City of Miami Beach, Florida, from all demands, claims, actions and causes of action arising from any of the aforesaid causes.

SECTION 13. DEFAULT AND TERMINATION.

Subsections 13.1 through 13.4 shall constitute events of default under this Agreement. An event of default by Concessionaire shall entitle City to exercise any and all remedies described as City's remedies under this Agreement, including but not limited to those set forth in Subsection 13.5 and Section 14. An event of default by City shall entitle Concessionaire to exercise any and all remedies described as Concessionaire's remedies under this Agreement, including but not limited to those set forth in Subsection 13.6.

13.1 Bankruptcy.

If either the City or Concessionaire shall be adjudged bankrupt or insolvent, or if any receiver or trustee of all or any part of the business property of either party shall be appointed, or if any receiver of all or any part of the business property shall be appointed and shall not be discharged within sixty (60) days after appointment, or if either party shall make an assignment of its property for the benefit of creditors, or shall file a voluntary petition in bankruptcy, or insolvency, or shall apply for reorganization or arrangement with its creditors under the bankruptcy or insolvency laws now in force or hereinafter enacted, Federal, State, or otherwise, or if such petitions shall be filed against either party and shall not be dismissed within sixty (60) days after such filing, then the other party may immediately, or at any time thereafter, and without further demand or notice, terminate this Agreement without being prejudiced as to any remedies which may be available to it for breach of contract.

13.2 Default in Payment.

In the event Concessionaire fails to submit any payment within five (5) days of its due date, there shall be a late charge of \$50.00 per day for such late payment, in addition to interest at the highest rate allowable by law (currently 12% per annum). If any payment and accumulated penalties are not received within fifteen (15) days after the payment due date, and such failure continues three (3) days after written notice thereof, then the City may, without further demand or notice, terminate this Concession Agreement without being prejudiced as to any remedies which may be available to it for breach of contract; and may begin procedures to collect the Performance Bond required in Section 14 herein.

13.3 Non-Monetary Default.

In the event that Concessionaire or the City fails to perform or observe any of the covenants, terms or provisions under this Agreement, and such failure

continues thirty (30) days after written notice thereof from the other party hereto, such non-defaulting party may immediately or at any time thereafter, and without further demand or notice, terminate this Agreement without being prejudiced as to any remedies which may be available to it for breach of contract. In the event that a default is not reasonably susceptible to being cured within such period, the defaulting party shall not be considered in default if it shall, within such period, commence with due diligence and dispatch to cure such default and thereafter completes with dispatch and due diligence the curing of such default, but in no event shall such extended cure period exceed ninety (90) days from the date of written notice thereof. In the event Concessionaire cures any default pursuant to this Subsection, it shall promptly provide City with written notice of same.

13.4 Default under Pier Park Restaurant Lease Agreement.

If a default by Concessionaire under the Pier Park Restaurant Lease Agreement shall have occurred and be continuing beyond any applicable cure period, the City may immediately terminate this Agreement without being prejudiced as to any remedies which may be available to it for breach of contract.

13.5 City's Remedies for Concessionaire's Default.

If any of the events of default, as set forth in this Section, shall occur, the City may, after notice (if required) and the expiration of cure periods, as provided above, at its sole option and discretion, institute such proceedings as in its opinion are necessary to cure such defaults and to compensate City for damages resulting from such defaults, including but not limited to the right to give to Concessionaire a notice of termination of this Agreement. If such notice is given, the term of this Agreement shall terminate upon the date specified in such notice from City to Concessionaire. On the date so specified, Concessionaire shall then quit and surrender the Concession Area to City pursuant to the provisions of Subsection 13.8. Upon the termination of this Agreement, all rights and interest of Concessionaire in and to the Concession Area and to this Agreement, and every part thereof, shall cease and terminate and City may, in addition to any other rights and remedies it may have, retain all sums paid to it by Concessionaire under this Agreement, including but not limited to, beginning procedures to collect the Performance Bond in Section 14 herein. In addition to the rights set forth above, City shall have the rights to pursue any and all of the following:

- a. the right to injunction or other similar relief available to it under Florida law against Concessionaire; and or
- b. the right to maintain any and all actions at law or suits in equity or other proper proceedings to obtain damages resulting from Concessionaire's default.

13.6 If an event of default, as set forth in this Section, by the City shall occur, the Concessionaire may, after notice (if required) and the expiration of the cure periods, as provided above, at its sole option and discretion, terminate this Agreement upon written notice to the City and/or sue for damages. Said

termination shall become effective upon receipt of a written notice of termination by the City, but in no event shall Concessionaire specify a termination date that is less than sixty (60) days from the date of the written termination notice. On the date specified in the notice, Concessionaire shall quit and surrender the Concession Area to City pursuant to the provisions of Subsection 13.8.

13.7 Termination for Convenience.

13.7.1 Notwithstanding the provisions of this Section 13, this Agreement may be terminated by the City, for convenience and without cause, upon the furnishing of one hundred and eighty (180) days written notice to Concessionaire.

13.7.2 In the event of termination by City of the Agreement pursuant to this Subsection, Concessionaire herein acknowledges and agrees that it shall not have any claim, demand, or cause of action of whatsoever kind or nature, against the City, its agents, servants and employees (including, but not limited to, claims for interference in business or damages for interruption of services or interference in its concession operations).

13.7.3 In the event this Agreement is terminated for convenience by the City, the City and Concessionaire agree to amend the Pier Park Restaurant Lease Agreement, if required, to provide that (i) Concessionaire shall no longer be required to pay the 6.5% MG amount under the Lease, and (ii) that Concessionaire shall resume payment under the Pier Park Restaurant Lease Agreement of the maximum amount equal to 3.5% of gross receipts (said 3.5% amount being the amount referenced in the Lease prior to execution of this Agreement by the parties).

13.8 Surrender of Concession Areas.

At the expiration of this Agreement, or in the event of a termination for convenience pursuant to Subsection 13.7, or in the event this Agreement is otherwise declared null and void and of no further force or effect, Concessionaire shall surrender the Concession Area in the same condition as the Concession Area was prior to the commencement of this Agreement, reasonable wear and tear excepted. In the event of termination of this Agreement pursuant to Subsections 13.1 through 13.4, Concessionaire shall surrender the Concession Area and restore same to a satisfactory condition, as shall be determined solely by the City in its reasonable discretion and judgment. Concessionaire shall remove all its non-permanent facilities, equipment, fixtures, personal property, etc., upon forty-eight (48) hours written notice from the City Manager or his designee unless a longer time period is agreed to by the City. Concessionaire's obligation to observe or perform this covenant shall survive the expiration or other termination of this Agreement. Continued occupancy of the Concession Area after termination of the Agreement shall constitute trespass by the Concessionaire, and may be prosecuted as such. In addition, the Concessionaire shall pay to the City

one thousand dollars (\$1,000) per day as liquidated damages for such trespass and holding over.

SECTION 14. PERFORMANCE BOND OR ALTERNATE SECURITY.

Concessionaire shall, no later than September 1, 2004, furnish to the City Manager or his designee a Performance Bond in the penal sum as stated below for the payment of which Concessionaire shall bind itself for the faithful performance of the terms and conditions of this Agreement. A Performance Bond in the amount of One Hundred Thousand Dollars (\$100,000.00) shall be required and be in faithful observance of this Agreement. A cash deposit, irrevocable letter of credit, or certificate of deposit may also suffice, as determined by the City Manager or his designee in his reasonable discretion. The form of the Performance Bond or letter of credit shall be as required by the City Manager or his designee. In the event that a Certificate of Deposit is approved, it shall be a One Hundred Thousand Dollar (\$100,000.00) one-year Certificate of Deposit in favor of the City, which shall be automatically renewed, the original of which shall be held by City. Concessionaire shall be so required to maintain said Performance Bond or alternate security, as accepted by the City Manager or his designee, in full force and effect until such time as Concessionaire has satisfactorily completed Concessionaire's Capital Improvements (CCI), in such amount as required pursuant to Subsection 4.3(ii). Upon said completion, Concessionaire's Performance Bond requirement shall be deemed satisfied and no further bond or alternate security shall be required pursuant to this Section. Concessionaire shall have an affirmative duty to notify the City, in writing, in the event said Performance Bond or alternate security lapses or otherwise expires. All interest that accrues in connection with any financial instrument or sum of money referenced above shall be the property of Concessionaire, except in an event of default, in which case the City shall be entitled to all interest that accrues after the date of default. In the event of any other default and cure under this Agreement, the City Manager may reinstate this requirement.

SECTION 15. ASSIGNMENT.

Except as otherwise provided in this Subsection, Concessionaire shall not assign; sublease; grant any concession or license; permit the use of by any other person other than Concessionaire; or otherwise transfer all or any portion of this Agreement and/or of the Concession Area (all of the forgoing are herein after referred to collectively as "transfers"), without the prior written consent of the City, which consent shall not be unreasonably withheld.

Concessionaire shall notify the City of any proposed transfer, prior to consummation of same and the City or the City Manager or his designee, as applicable, shall respond within thirty (30) days. In the event that any such transfer is approved, the transferee shall agree to be bound by all the covenants of this Agreement required of the transferor hereunder. Any transfer made without complying with this Section shall be null, void, and of no effect and shall constitute an act of default under this Agreement. Notwithstanding any such consent, or any permitted transfer under any provision of this Section, unless expressly released by the City, Concessionaire shall remain jointly and severally liable (along with each approved transferee, who shall automatically become liable for all obligations of the transferor hereunder with respect to that portion of the Agreement so transferred), and the City shall be permitted to enforce the provisions of this Agreement directly against Concessionaire or any transferee of the Concessionaire without proceeding in any way

against any other person.

SECTION 16. SPECIAL EVENTS / SPONSORSHIPS.

- 16.1 Concessionaire's proposed uses, as defined in Section 3 herein, do not contemplate the production, promotion or sponsorship by the Concessionaire of special events in any of the Concession Areas. In the event Concessionaire does produce, promote or sponsor a special event in the City, other than those provided for in this Agreement, it shall abide by the City's Special Events Permit Requirements and Guidelines. For any use, other than those provided for in this Agreement, a Special Events Permit may be required and shall be obtained through the City's Department of Tourism and Cultural Development. The City Manager's authorization must be obtained for any such special event.

The City Administration shall evaluate requests for Special Events Permits on a case by case basis, in accordance with the City's Special Event Permit Requirements and Guidelines. In the event that a special event and/or film permit is requested by an entity, other than the Concessionaire, and the proposed special event and/or film/photography activity is scheduled to occur within the Concession Area and would cause the operations within the Area to cease, wholly or partly, and provided Concessionaire is not in default under the Agreement at the time of the request, the request for such special event shall be submitted to the Concessionaire at least fifteen (15) days prior to the event and the City shall obtain Concessionaire's written release, which shall not be unreasonably withheld, for such special event prior to approval thereof. Any revenues derived from such special events by the Concessionaire, whether directly or indirectly, will be considered as part of the gross receipts pursuant to this Agreement.

16.2 City Special Events.

Notwithstanding Subsection 16.1 above, and in the event that the City, at its sole discretion, deems that it would be in the best interest of the City, the City reserves the right to displace the Concessionaire for City produced special events and/or City produced productions. In such cases, the City may request that the Concessionaire cease and desist operations during the term of, and in the area of the special event and/or production, and the Concessionaire shall cease and desist during said term. If the Concessionaire is not required to close, or chooses to remain open without interference to the special event and/or production, if so allowed by the City, Concessionaire agrees to cooperate with the City. If the Concessionaire is allowed to remain open during special events and/or productions, the Concessionaire may be allowed to have in operation its normal daily complement of equipment and staff. "Normal" shall be defined as equipment and staff, approved by the City, that the Concessionaire has available for the public on a normal day, 365 days per year. Such equipment or staff shall not be increased or altered during special events and/or productions without the prior written permission of the City Manager or his designee. To the extent that the normal daily complement of equipment and staff is displaced by the special event and/or production, the Concessionaire may reallocate such

displaced equipment and staff on a pro-rata basis within the Concession Area not being utilized by the special event.

16.3 City acknowledges that Concessionaire has a preference for Concessionaire sponsored events on Sundays which the City will take into consideration prior to approving special events and/or film/photography activities. If Concessionaire's preference changes, Concessionaire shall provide City with written notice of same.

16.4 Notwithstanding anything to the contrary, if a special event occurs in all or any portion of any Concession Area, Concessionaire shall not be liable for any charge, fee or other expense, governmental or otherwise, in connection with such special event.

16.5 Sponsorships.

The City reserves unto itself all present and future rights to negotiate all forms of sponsorship agreements based on the marketing value of any City property, brand, logo and reputation. Any and all benefits derived from a sponsorship agreement based on the marketing value of a city property, brand, logo or reputation belonging exclusively to the City.

Management firms, vendors and all subcontractors to the City, including Concessionaire, are specifically prohibited from creating third party sponsorships based solely or in any part on the marketing value of a city asset or property the subcontractor was hired to manage or operate.

SECTION 17. NO IMPROPER USE.

The Concessionaire will not use, nor suffer or permit any person to use in any manner whatsoever, the Concession Area or facilities for any improper, immoral or offensive purpose, or for any purpose in violation of any Federal, State, County, or Municipal ordinance, rule, order or regulation, or of any governmental rule or regulation now in effect or hereafter enacted or adopted. The Concessionaire will protect, indemnify, and forever save and keep harmless the City, its agents, employees and contractors from and against damage, penalty, fine, judgment, expense or charge suffered, imposed, assessed or incurred for any violation, or breach of any law, ordinance, rule, order or regulation occasioned by any act, neglect or omission of the Concessionaire or any employee or agent regarding the Concession. In the event of any violation by the Concessionaire or if the City or its authorized representative shall deem any conduct on the part of the Concessionaire to be objectionable or improper, the City shall have the right to suspend the operation of the concession should the Concessionaire fail to correct any such violation, conduct, or practice to the satisfaction of the City within twenty-four (24) hours after receiving written notice of the nature and extent of such violation, conduct, or practice, such suspension to continue until the violation is cured. The Concessionaire further agrees not to commence operation during the suspension until the violation has been corrected to the satisfaction of the City.

SECTION 18. PRICE SCHEDULES.

Concessionaire agrees that prices charged for lounging and related equipment rentals, sale of food and beverage service, and any and all other prices charged within the Concession Area will be consistent with the price schedule(s) herein submitted by the Concessionaire and approved by the City and incorporated herein as exhibits to this Agreement. Except for CPI price increases authorized by Subsection 3.1.3, all subsequent price approvals and changes must be approved in writing by the City Manager or his designee. Prices shall be reasonably consistent with those charged for similar items and services in the general vicinity. The City shall have the final right of approval for all such prices and changes, but said right shall not be arbitrarily or unreasonably exercised. The Concessionaire agrees to refrain from the sale or rental of any item identified as prohibited by the City and to sell or rent only those items approved by the City.

SECTION 19. NOTICES.

All notices from the City to the Concessionaire shall be deemed duly served upon receipt, if mailed by registered or certified mail with a return receipt, or hand delivered, to the Concessionaire at the following address:

Mr. Jack Penrod
Penrod Brothers, Inc.
One Ocean Drive
Miami Beach, Florida 33139

With copies to:

Mr. Michael Register
Penrod Brothers, Inc.
One Ocean Drive
Miami Beach, Florida 33139

All notices from the Concessionaire to the City shall be deemed duly served upon receipt, if mailed by registered or certified mail return receipt requested, or hand delivered, to the City of Miami Beach at the following addresses:

City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

With copy to:

City Attorney
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

The Concessionaire and the City may change the above mailing address at any time upon giving the other party written notification. All notices under this Concession Agreement must be in writing.

SECTION 20. LAWS.

20.1 Compliance.

Concessionaire shall comply with all applicable City, County, State, and Federal ordinances, statutes, rules and regulations, including but not limited to all applicable environmental City, County, State, and Federal ordinances, statutes, rules and regulations.

20.2 Governing Law.

INTENTIONALLY OMITTED.

20.3 Equal Employment Opportunity.

Neither Concessionaire nor any affiliate of Concessionaire performing services hereunder, or pursuant hereto, will discriminate against any employee or applicant for employment because of race, creed, sex, color, national origin, sexual orientation, and disability, as defined in Title I of ADA. Concessionaire will take affirmative steps to utilize minorities and females in the work force and in correlative business enterprises.

20.4 No Discrimination.

The Concessionaire agrees that there shall be no discrimination as to race, sex, sexual orientation, color, creed, national origin, familial status, religion or handicap, in its employment practice or in the operations referred to by this Concession Agreement; and further, there shall be no discrimination regarding any use, service, maintenance, or operation within the Concession Area. All services offered within the Concession Area shall be made available to the public, subject to the right of the Concessionaire and the City to establish and enforce rules and regulations to provide for the safety, orderly operation and security of the Concession Area.

- 20.4.1 Pursuant to Sections 62-90 and 62-91, of Chapter 62, of the Miami Beach City Code entitled "Human Relations", Concessionaire, by executing this Agreement, certifies that it does not discriminate in its membership or policies based on race, color, national origin, religion, sex, sexual orientation, familial status or handicap.

SECTION 21. MISCELLANEOUS.

21.1 No Partnership.

Nothing contained in this Agreement shall constitute or be construed to be or create a partnership or joint venture between the City and Concessionaire.

21.2 Modifications.

This Agreement cannot be changed or modified except by agreement in writing executed by all parties hereto. Concessionaire acknowledges that no modification to this Agreement may be agreed to by the City unless approved

by the Mayor and City Commission except where such authority has been expressly provided herein to the City Manager or his designee.

21.3 Complete Agreement.

This Agreement, together with all exhibits incorporated hereto, constitutes all the understandings and agreements of whatsoever nature or kind existing between the parties with respect to Concessionaire's operations, as contemplated herein.

21.4 Headings.

The section, subsection and paragraph headings contained herein are for convenience of reference only and are not intended to define, limit, or describe the scope or intent of any provision of this Agreement.

21.5 Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

21.6 Clauses.

The illegality or invalidity of any term or any clause of this Agreement shall not affect the validity of the remainder of the Agreement, and the Agreement shall remain in full force and effect as if such illegal or invalid term or clause were not contained herein unless the elimination of such provision detrimentally reduces the consideration that either party is to receive under this Agreement or materially affects the continuing operation of this Agreement.

21.7 Severability.

If any provision of this Agreement or any portion of such provision or the application thereof to any person or circumstance shall be held to be invalid or unenforceable, or shall become a violation of any local, State, or Federal laws, then the same as so applied shall no longer be a part of this Agreement but the remainder of the Agreement, such provisions and the application thereof to other persons or circumstances, shall not be affected thereby and this Agreement as so modified shall remain in full force and effect.

21.8 Right of Entry.

The City, at the direction of the City Manager, shall at all times during hours of operation, have the right to enter into and upon any and all parts of the Concession Area for the purposes of examining the same for any reason relating to the obligations of parties to this Agreement.

21.9 Not a Lease.

It is expressly understood, acknowledged and agreed by Concessionaire that the Concession Area, nor any part, parcel, building, facility, equipment or space therein, is leased and/or otherwise conveyed and/or transferred to the Concessionaire, that it is a concessionaire and not a lessee; and that the Concessionaire's right to operate the concession upon the Concession Area shall continue only so long as this Agreement remains in effect.

- 21.10 Signage.
Concessionaire shall provide, at its sole cost and expense, any required signs at its concessions. All advertising, signage and postings shall be approved by the City, and shall be in accordance with all applicable Municipal, County, State and Federal laws and regulations. Any signage posted by Concessionaire on its facilities and equipment shall be subject to the prior approval of the City as to size, shape and placement of same.
- 21.11 Use of Pier Park.
Pier Park is for the use and enjoyment of the public, for recreation and other public purposes and the public's right to such use shall not be infringed upon by any activity of the Concessionaire. Upon execution of this Agreement, Concessionaire acknowledges the public nature of Pier Park and as such, concession operations and improvements must not restrict, or appear to restrict, access to the general public, or in any way limit the public nature or ambience of the park. The Concessionaire will conduct its operations so as to maintain a reasonably quiet and tranquil environment for the neighborhood surrounding the Concession Area, and make no public disturbances.
- 21.12 Conflict of Interest.
INTENTIONALLY OMITTED.
- 21.13 Reasonableness.
Notwithstanding anything to the contrary in this Agreement, including but not limited to references to "sole option" or "sole discretion" or words of similar meaning, in each instance in which the approval or consent or other action of the City Commission or the City Manager or his designee is allowed or required in this Agreement, such approval, consent or other action shall not be unreasonably withheld, conditioned or delayed.
- 21.14 Procedure for Approvals and/or Consents.
INTENTIONALLY OMITTED.
- 21.15 No Waiver.
No waiver of any covenant or condition of this Agreement by either party shall be deemed to imply or constitute a waiver in the future of the same covenant or condition or of any other covenant or condition of this Agreement.
- 21.16 No Third Party Beneficiary.
Nothing in this Agreement shall confer upon any person or entity, including, but not limited to subconcessionaires, other than the parties hereto and their respective successors and permitted assigns, any rights or remedies by reason of this Agreement.

SECTION 22. LIMITATION OF LIABILITY.

The City desires to enter into this Agreement placing the operation and management of the Concession Area(s) in the hands of a private management entity only if so doing the City

can place a limit on its liability for any cause of action for breach of this Agreement, so that its liability for any such breach never exceeds the sum of \$100,000.00. Concessionaire hereby expresses its willingness to enter into this Agreement with a \$100,000.00 limitation on recovery for any action for breach of contract. Accordingly, and in consideration of the separate consideration of \$100,000.00, the receipt of which is hereby acknowledged, the City shall not be liable to Concessionaire for damages to Concessionaire in an amount in excess of \$100,000.00, for any action for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of limitation placed upon the City's liability as set forth in Florida Statutes, Section 768.28.

SECTION 23. VENUE.

This Agreement shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of Florida. This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any and all the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida. **CITY AND CONCESSIONAIRE HEREBY KNOWINGLY AND INTENTIONALLY WAIVE THE RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING THAT CITY AND CONCESSIONAIRE MAY HEREIN AFTER INSTITUTE AGAINST EACH OTHER WITH RESPECT TO ANY MATTER ARISING OUT OF OR RELATED TO THIS AGREEMENT OR THE CONCESSION AREA.**

IN WITNESS WHEREOF, the parties hereto have caused their names to be signed and their seals to be affixed, all as of the day and year first above written, indicating their agreement.

PASSED AND ADOPTED THIS 25th day of February, 2004.

Attest:

CITY OF MIAMI BEACH

CITY CLERK

MAYOR

Witness:

PENROD BROTHERS, INC.

Signature

Print Name: _____

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

JMG/CMC/JD/rhr

F:\DDHP\ALL\ASSET\1OCEAN.DR\PENROD CONCESSION AGREEMENT.FINAL.DOC



 2-11-04
City Attorney  Date

EXHIBIT A

(Page 1 of 2)
(Survey of Concession Area)

PENDING PUBLIC WORKS

EXHIBIT A

(Page 2 of 2)

(Legal Description of Concession Area)

PENDING PUBLIC WORKS

EXHIBIT 3.1

Furniture Rental

Lounge Chairs	\$20.00 per day
Low Beds	\$20.00 per day
Opium Beds	\$50.00 per day

EXHIBIT 3.1.1

(Lounge Chairs)



EXHIBIT 3.1.1

(Low Beds)

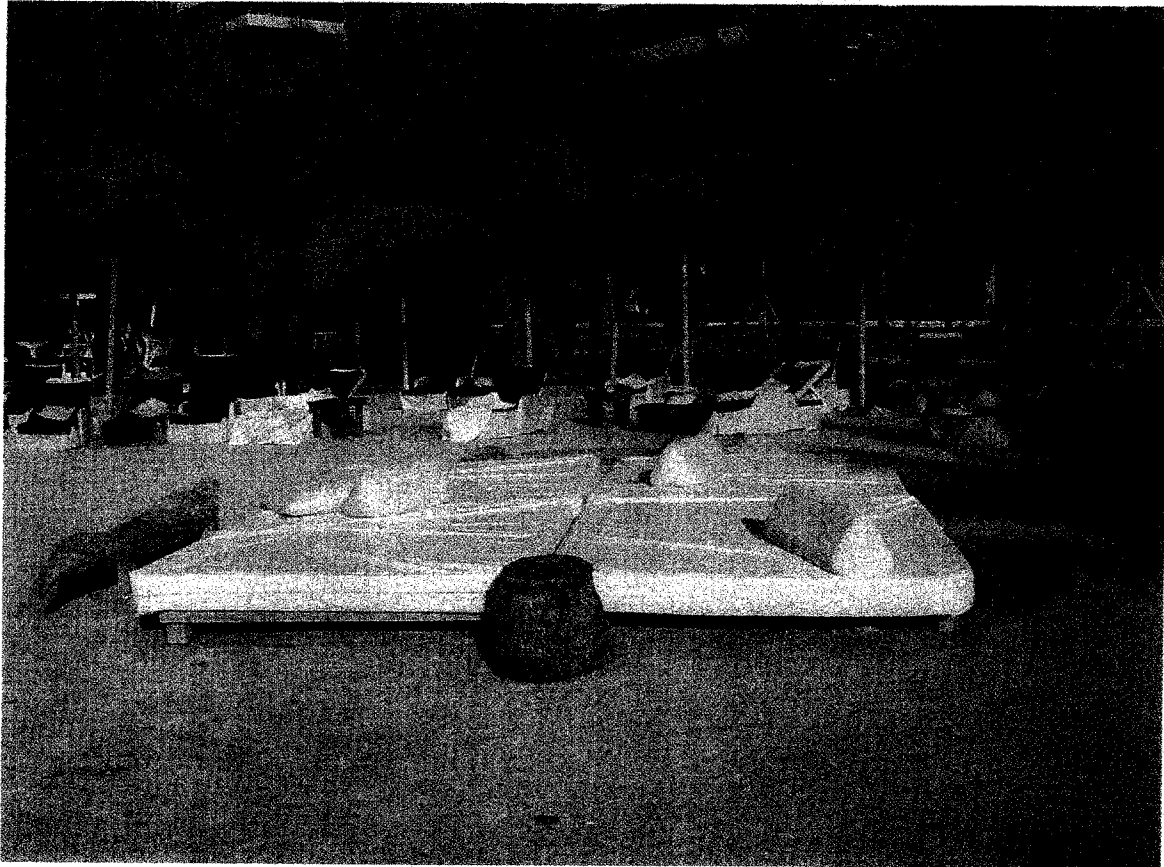


EXHIBIT 3.1.1

(Opium Beds)

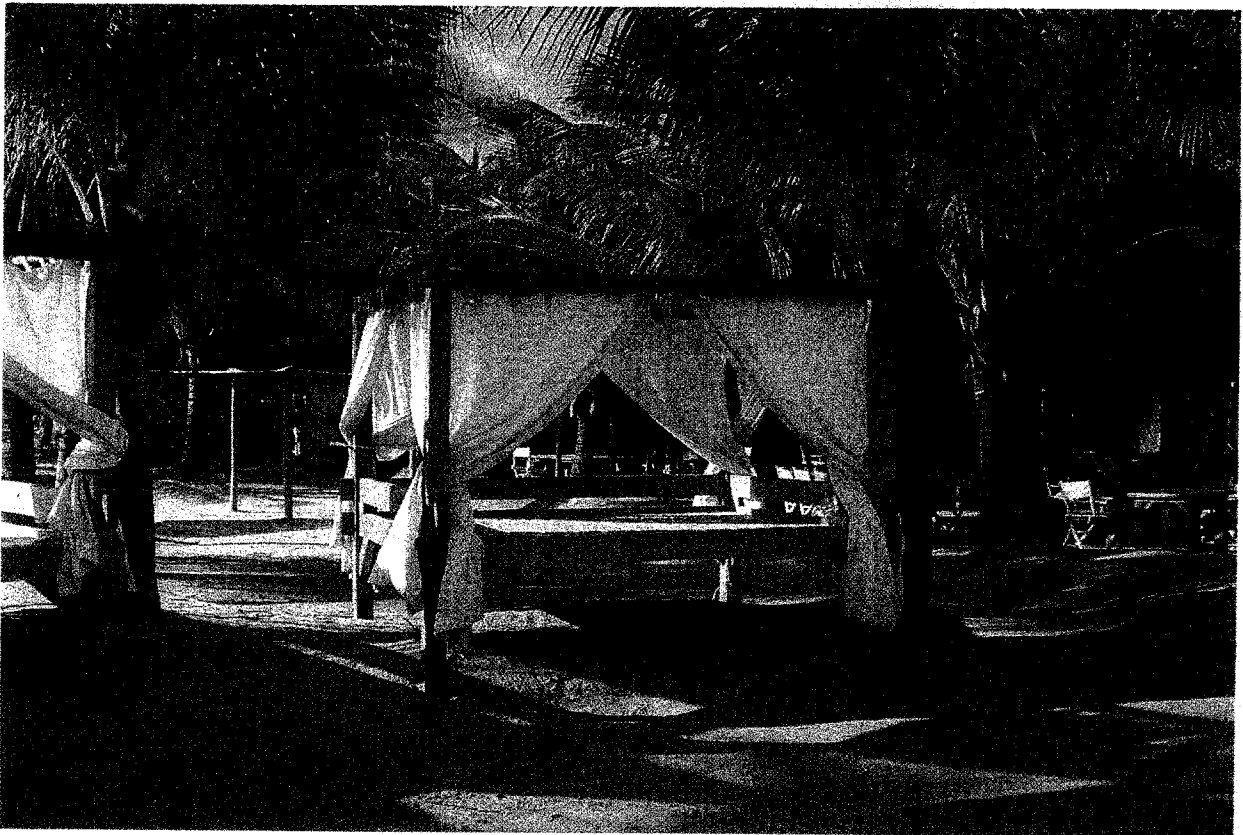


EXHIBIT 3.1.1



EXHIBIT 3.1.1

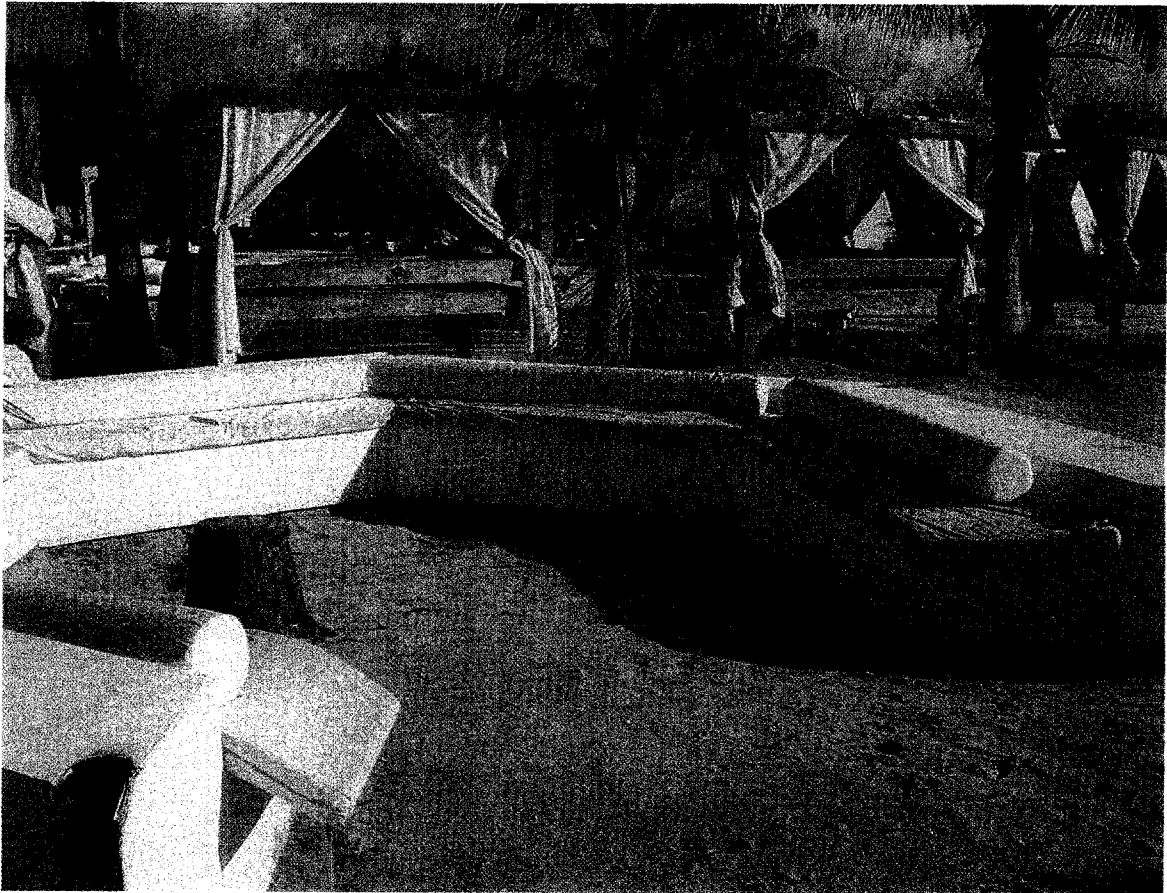


EXHIBIT 3.1.1

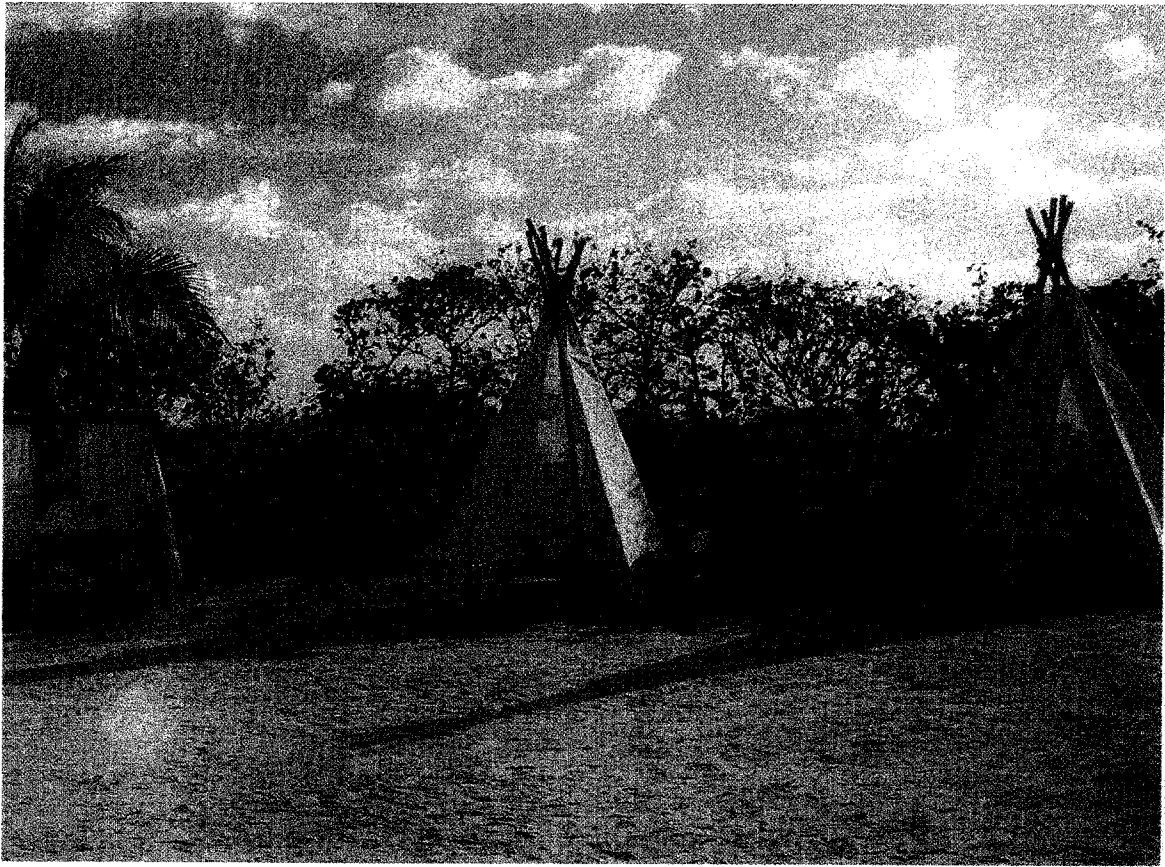


EXHIBIT 3.1.1

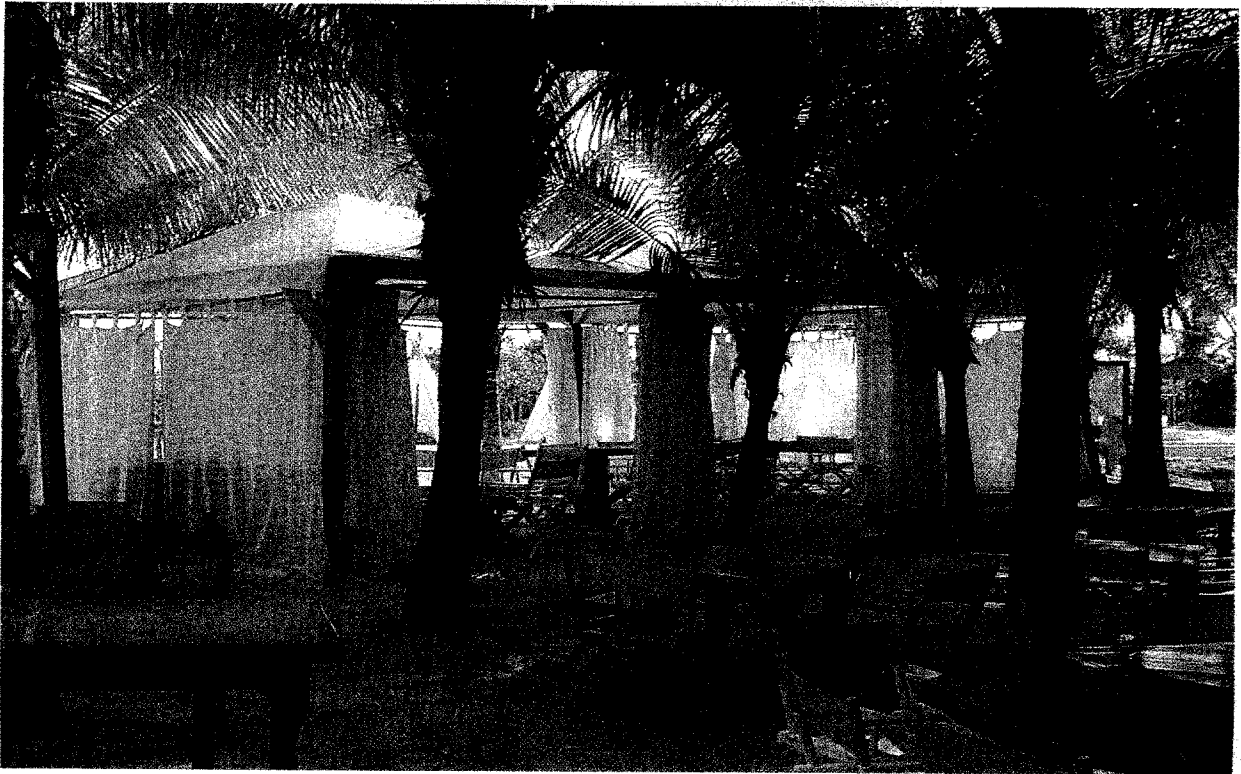


EXHIBIT 3.1.4

(Site Plan)



EXHIBIT 3.4

(Hurricane Evacuation Plan)

Hurricane Evacuation Plan

Penrod Brothers, Inc., ("Concessionaire") leases a warehouse facility at 3717 NW7th Ct, Miami, Florida. In the event of a hurricane warning, Concessionaire agrees to move all furniture and other non-permanent fixtures to this warehouse space within the time frame set forth in the agreement between the City of Miami Beach and the Concessionaire for a portion of Pier Park, Miami Beach.

**THIRD AMENDMENT TO THE LEASE AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH
AND
PENROD BROTHERS, INC.**

This Third Amendment to the Lease Agreement, dated November 7, 1985, by and between the City of Miami Beach, a Florida municipal corporation (herein after referred to as "Lessor" or "City"), and Penrod Brothers, Inc., a Florida corporation (herein after referred to as "Lessee" or "Penrod's"), for the property located at One Ocean Drive, Miami Beach, Florida (Premises), is entered into this 25th day of February, 2004.

WITNESSETH

WHEREAS, on October 2, 1985, the Mayor and City Commission adopted Resolution No. 85-18223, approving a Lease Agreement between the City and Penrod Brothers, Inc. (Penrod's) for the development, construction, management and operation of a restaurant facility in Pier Park (the Lease Agreement); and

WHEREAS, on October 2, 1985, the Mayor and City Commission also adopted Resolution No. 85-18222, approving a Concession Agreement, dated November 7, 1985, between the City and Penrod's for the sale of food and beverages and rental of lounging and related equipment to service patrons within a portion of Pier Park adjacent to the Lease Premises (the Pier Park Concession Agreement), which Concession Agreement expired on November 4, 2001; and

WHEREAS, on March 2, 1988, the Mayor and City Commission adopted Resolution No. 88-19178, approving the First Amendment to the Lease Agreement, thereby amending the building footprint and appropriating funds for construction of a portion of the Pier Park parking area; and

WHEREAS, on April 6, 1988, the Mayor and City Commission adopted Resolution No. 88-19211, approving the Second Amendment to the Lease Agreement, thereby revising the site plan (Exhibit A) and legal description (Exhibit B); and

WHEREAS, on November 5, 2001, the City entered into a new concession agreement with Boucher Brothers Miami Beach LLC, as the successful proposer pursuant to Request for Proposals (RFP) No. 22-00/01, for the operation of beachfront concessions on the beaches seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park, but neither said RFP nor the resulting concession agreement with Boucher Brothers addressed the area within a portion of Pier Park adjacent to Penrod's Pier Park restaurant facility (the Lease Premises), which had formerly (since 1985) been operated and managed under the Pier Park Concession Agreement; and

WHEREAS, upon an initial request by Penrod's to continue to operate and manage the concession within the aforesaid portion of Pier Park adjacent to the Lease Premises, the Administration has successfully negotiated a concession agreement (the Pier Park

Concession Agreement), and said Agreement was approved by the Mayor and City Commission on February 25, 2004, pursuant to Resolution No. 2004-_____; and

WHEREAS, pursuant to the parties' negotiation of the Pier Park Concession Agreement, the City and Penrod's agreed to re-visit and negotiate the financial terms governing the Lease Agreement, particularly with regard to payment of the percentage rent due to the City, and the Concession Agreement, as approved, provides that the City and Penrod's shall amend the Lease Agreement to reflect said renegotiated rent; and

WHEREAS, additionally, the parties wish to correct a long-standing scrivener's error in the exhibits to the Lease Agreement referencing the building footprint (site plan) and the legal description, to correspond with the position of the building as actually constructed, but in no way materially altering or expanding the square footage and/or size of the Leased Premises; and

WHEREAS, accordingly, the parties have negotiated the foregoing Third Amendment to the Lease Agreement.

NOW, THEREFORE, Lessor and Lessee have agreed to enter into this Third Amendment to the Lease Agreement, and amend such Lease as follows:

1. That certain agreement between the City and Penrod Brothers, Inc., entitled "Concession Agreement between City of Miami Beach, Florida, and Penrod Brothers, Inc. for Management and Operation of a Concession in a Portion of Pier Park", as approved on February 25, 2004, by Resolution No. 2004-_____, and having an effective date of October 1, 2003, is attached herein and incorporated hereto as "Exhibit C".
2. Article 13.3, entitled "Percentage Rent", is deleted in its entirety and replaced with the following:

13.3 Minimum Guarantee (MG):

Commencing on October 1, 2003, and thereafter on May 7 of each year during the term of this Lease, as well as any renewal terms, the Lessee shall pay to the City an annual Minimum Guarantee (MG) equal to a percentage of Lessee's gross receipts. The MG shall be payable as monthly percentage rent to the City by the fifteenth (15) day of each month for the preceding month, and said payment shall be accompanied by a statement of gross receipts for the preceding month. At the time of delivery to the City of the Annual Statement of Gross Receipts, as required pursuant to Article 15, Lessee shall also pay to the City any adjustment due the City.

- 13.3.1 For purposes of calculation of any payment and/or increase of MG, as set forth below, and any other term and condition of this Lease relating to the MG, the parties herein acknowledge and agree that,

commencing on October 1, 2003, the base MG dollar amount is established at \$400,000 (annual base MG). Commencing on May 7, 2004, the MG shall be automatically increased, by five percent (5%) per year, from the previous year's MG. Commencing on May 7, 2006, and every fourth Lease year thereafter, the City shall review Lessee's annual gross receipts and recalculate the MG to an amount equal to seventy-five (75%) percent of six and one half (6.5%) percent of the prior three (3) Lease year averages of gross receipts. Said adjusted MG shall be payable as established pursuant to Article 13.3 above, and the annual five (5%) percent increase shall continue to apply to the recalculated MG amount.

13.3.2 Commencing on October 1, 2003, and thereafter on May 7 of each Lease year, in the event that the amount equal to six and one half (6.5%) percent of Lessee's gross receipts, as such term is defined in Article 13.3.3 below, does not meet the MG amount, as established pursuant to Article 13.3.1, then the Lessee shall also pay an additional lump-sum amount to the City, equal to the difference between the percentage of gross receipts amount and the MG amount, as established pursuant to 13.3.1; said amount payable in full at the time of delivery to the City of the Annual Statement of Gross Receipts, or no later than June 30, of each Lease year during the term, including renewal terms, of this Lease.

13.3.3 The term "gross receipts" is understood to mean all income, whether collected or accrued, derived by Penrod's (whether as Lessee herein or as Concessionaire under the Pier Park Concession Agreement, as attached in Exhibit C hereto), or any licensee, sub-concessionaire, or sub-tenant of Penrod's (whether as Lessee herein or as Concessionaire under the Pier Park Concession Agreement), from all business conducted upon or from the Premises, as such term is defined in this Lease, or from the Concession Area, as such term is defined in the Pier Park Concession Agreement, including but not limited to receipts from sale of food, beverages, alcoholic beverages, rental of lounging and related equipment, sale of merchandise, rental of space, including percentage rents, or from any other source whatsoever. The term "gross receipts" shall exclude amounts of any Federal, State, or City sales tax, or other governmental imposition, assessment, charge or expense of any kind, collected by Penrod's and required by law to be remitted to the taxing or other governmental authority.

13.3.4 Prorated MG from October 1, 2003 to May 6, 2004.
Notwithstanding anything contained in this Article 13.3, City and Lessee agree that the MG for the period from October 1, 2003 through May 6, 2004 shall be Two Hundred Thirty Nine Thousand

Three Hundred Forty Four (\$239,344) Dollars. This sum represents the prorated amount based upon the annual base MG of four hundred thousand (\$400,000) dollars.

- 13.3.5 Notwithstanding Article 13.3.2, upon execution of this Third Amendment, and effective retroactively to October 1, 2003, Lessee shall make a monthly MG payment in an amount equal to five and one half (5.5%) percent of Lessee's gross receipts. The monthly 5.5% MG payment amount shall be increased to the required six and one half (6.5%) percent MG payment amount (Article 13.3.2), upon the City's sole determination that Penrod's, both as Lessee herein and as Concessionaire under the Pier Park Concession Agreement, has achieved the "target revenue threshold"; said term herein defined as the amount equal to the average of the Fiscal Year (FY) 2001/2002 (October 1-September 30) and Fiscal Year 2002/2003 gross receipts (as said term is defined in Article 13.3.3).

The parties agree that the target revenue threshold is herein established as the sum of \$12,818,026. This sum is based on the average of gross receipts for FY 2001/2002, which equals the sum of \$12,222,358, and FY 2002/2003 gross receipts, which equals \$13,413,695.

- 13.3.6 Upon Lessee's achievement of the target revenue threshold, Lessee shall pay the lump sum amount to the City, equal to the difference between the 5.5% and 6.5% for the Lease year in which the target revenue threshold was met; said amount payable in full at the time of delivery to the City of Lessee's Annual Statement of Gross Receipts. Thereafter, Lessee shall continue to make MG payments in the required amount of 6.5% of Lessee's gross receipts, as provided by this Article.

- 13.3.7 Reverter in the Event of Economic Downturn.
In the event that Penrod Brothers, Inc., acting as Concessionaire pursuant to the Pier Park Concession Agreement (Exhibit C), deems that, as a result of a downturn in the economy, a financial hardship has occurred for Penrod's (as Concessionaire) such that Penrod's is no longer financially able to remit the MG amount required in Article 13.3.2 of this Lease, Penrod's shall provide the City Manager with a minimum of one hundred eighty (180) days written notice of its intent to terminate the Pier Park Concession Agreement as a result of changed economic circumstances. Upon termination of said Agreement, City and Penrod's agree to amend this Lease, if required, to provide that (i) Penrod's shall no longer be obligated to pay the 6.5% MG amount under the Lease, and (ii) that Penrod's shall resume payment under this Lease of the maximum amount equal to 3.5% of

gross receipts (said 3.5% amount being the amount referenced in the Lease prior to execution of this Third Amendment by the parties).

Additionally, in the event of termination of the Pier Park Concession Agreement pursuant to this Article 13.3.7, Penrod's shall immediately surrender the Concession Area, as defined therein, and restore same to a satisfactory condition, as shall be determined solely by the City in its reasonable discretion and judgment.

3. Article 14, entitled "Gross Receipts", is deleted in its entirety, and the definition of "gross receipts" shall be as defined in Article 13.3.3.
4. "Revised Exhibit A" and "Revised Exhibit B" are hereby replaced, respectively, with a new Exhibit A, entitled "Site Plan", and a new Exhibit B, entitled "Description of Property". Both the new Exhibits A and B reflect the footprint of the Pier Park Restaurant, as actually constructed. Neither the revised Site Plan nor Legal Description in any way, either expressly or by implication, expand and/or enlarge nor contract and/or lessen the Leased Premises, but serve only to correct any inaccuracies in past legal descriptions and/or site plans reflecting the Premises.
5. Except as otherwise specifically amended herein, all other terms and conditions of the Lease Agreement between the Lessor and Lessee shall remain in full force and effect. In the event there is a conflict between the provisions provided herein and the Lease Agreement, the provisions of this Third Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to the Lease Agreement to be executed by their duly authorized officials on the day first above indicated.

ATTEST:

CITY OF MIAMI BEACH

CITY CLERK

MAYOR

Witnesses:

PENROD BROTHERS, INC.

Print Name: _____

JMG:CMC:RJA:JD:rlr

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


 2-13-06
City Attorney Date

EXHIBIT A – SITE PLAN

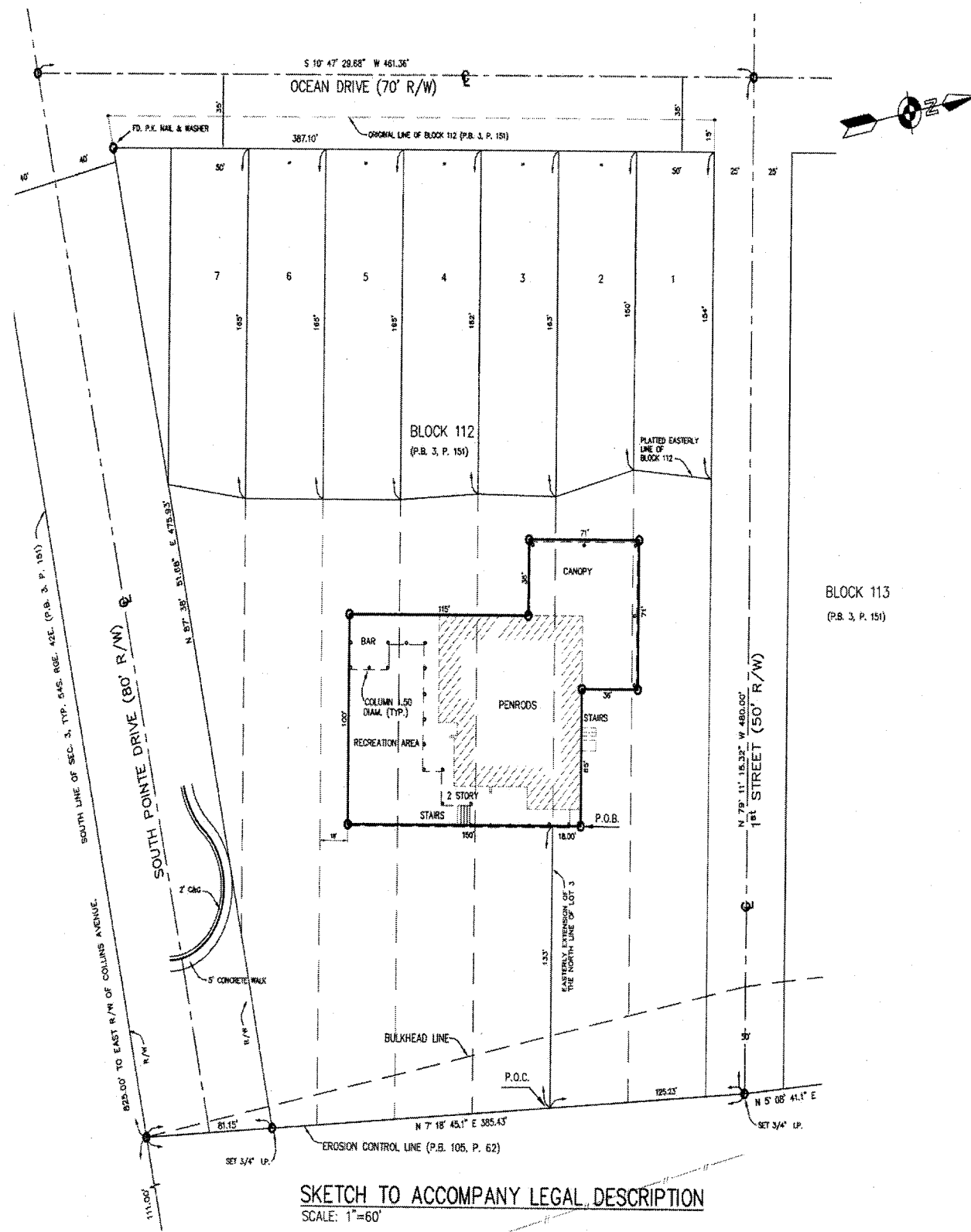


EXHIBIT B – LEGAL DESCRIPTION

A parcel of land located in the easterly extension of lots 1, 2, 3, 4, and 5 of Block 112, OCEAN BEACH ADDITION No. 4, recorded in Plat Book 3, Page 151 of the Public Records of Miami-Dade County, Florida, described as follows:

Commence at the point of intersection of the easterly extension of the north line of Lot 3 of said Block 112 and the Erosion Control Line of the Atlantic Ocean; thence run westerly, along the easterly extension of the north line of said Lot 3 for a distance of 133 feet; thence northerly at right angle with the north line of said Lot 3 for a distance of 18 feet to the POINT OF BEGINNING of the portion of land herein described; thence westerly, parallel to the north line of said Lot 3 for a distance of 65 feet; thence northerly at right angle with the north line of said Lot 3 for a distance of 36 feet; thence westerly, parallel to the north line of said Lot 3 for a distance of 71 feet; thence southerly at right angle with the north line of said Lot 3 for a distance of 71 feet; thence easterly, parallel to the north line of said Lot 3 for a distance of 36 feet; thence southerly, at right angle with the north line of said Lot 3 for a distance of 115 feet; thence easterly 18 feet north (measured at right angle) and parallel to the south line of Lot 5 of the above mentioned Block 112 for a distance of 100 feet; thence northerly, at right angle with the south line of said Lot 5 for a distance of 150 feet to the POINT OF BEGINNING.

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A resolution approving the schematic design concept for the Citywide Wayfinding Signage Project.

Issue:

Shall the City Commission accept the concept schematic design and authorize the consultant to proceed into the design development phase of the project?

Item Summary/Recommendation:

The Hillier Group prepared three different design options for a proposed citywide coordinated signage system and made presentations to the Community Affairs Committee, Design Review Board, Historic Preservation Board, Miami Beach Chamber of Commerce, and to residents and stakeholders in an open community forum. In each of these presentations, consensus was reached to select Option B, combined with some elements of Option C.

Hillier has made the changes requested in the public meetings and will present the single "preferred" design concept to the Mayor and City Commission. If the Commission approves the conceptual design, the consultant will proceed with the Design Development phase of the project.

The Administration recommends approving the Resolution.

Advisory Board Recommendation:

Design Review Board - preferred Option B with elements of Option C
Historic Preservation Board - preferred Option B with elements of Option C

Financial Information:

Source of Funds: <div style="border: 1px solid black; width: 80px; height: 40px; margin: 5px 0;"></div> Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Joyce Meyers, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7E
DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SCHEMATIC DESIGN CONCEPT FOR THE CITYWIDE WAYFINDING SIGNAGE PROJECT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Hillier Group prepared three different design options for a proposed citywide coordinated signage system and made presentations to the Community Affairs Committee, Design Review Board, Historic Preservation Board, Miami Beach Chamber of Commerce, and to residents and stakeholders in an open community forum. In each of these presentations, consensus was reached to select Option B, combined with some elements of Option C.

Hillier has made the changes requested in the public meetings and will present the single "preferred" design concept to the Mayor and City Commission. If the Commission approves the conceptual design, the consultant will proceed with the Design Development phase of the project.

BACKGROUND

On April 30, 2003 the Mayor and City Commission adopted Resolution No. 2003-25182 authorizing execution of a professional services agreement with the firm of Hillier, pursuant to RFP No. 48-01/02, for planning, design and construction administration services for this project. The Notice to Proceed was issued on June 25, 2003.

The Administration has established two committees to work with the consultant throughout this project. The Steering Committee is made up of senior staff members in the departments of Planning, Public Works, CIP, Parking, Convention Center, Economic Development, Tourism and Cultural Development, Finance, and the VCA. The Stakeholder Group is made up of representatives from individual destinations and/or districts that will be identified in the signage system. Examples of these stakeholders include the museums and cultural facilities, business districts, public facilities, and visitor information centers.

The planning phase of this project consisted of two major efforts. One is the “wayfinding” analysis, which is a technical analysis of the hierarchy of districts and destinations and the optimum routes that visitors should be directed to follow. The consultant held numerous meetings with the Steering Committee, the Stakeholders, the Police Department, and representatives from the Florida Department of Transportation (FDOT) and the Miami-Dade County Public Works Department to collect information for this analysis. The results of this effort have been documented in a draft report. The consultant then proceeded with the following step in the wayfinding analysis which is to program locations and the messages that will be needed for each type of sign. Currently, the consultant team has completed preliminary programming of all gateways, vehicular directional signs and destination arrival signs. The team has also completed an initial drive of the proposed routes and sign locations. The next step is to review the sign locations and messages with each of the destinations. This will take place in early March, 2004.

The second major effort in the planning phase was the conceptual design of the signs. This began with a series of meetings with the regulatory agencies to establish a common understanding of the rules that must be followed versus the areas where flexibility and creative design will be permitted. This process was extremely beneficial, and we found the County and the State to be very cooperative and supportive of our project. On July 24, 2003, the consultant conducted an “Identity Forum” to elicit reactions to images, colors, typography, pattern, materials, architecture, themes, words and historical references that reflect (or don’t reflect) the overall identity of Miami Beach. A total of thirty-two persons participated in the Forum from an invitation list that included the Mayor and Commission, the Design Review Board, the Historic Preservation Board, the Planning Board, the Stakeholder Group and the Steering Committee. The consultant used the input from the Identity Forum to provide design direction and inspiration.

On October 1, 2003, the consultant presented three alternative design concepts to the Steering Committee and the regulatory agencies. The regulatory agencies stated that all three concepts were generally acceptable, with minor refinements that could be made during design development. The Steering Committee felt that the overall quality of the consultant’s design work is outstanding. They recommended that all three alternative design concepts should be carried forward to allow the community, the design review boards and the City Commission to make the choice of which of the alternatives is best suited for Miami Beach. The public process included the following presentations/reviews:

December 16; 2003	Design Review Board
	Community Affairs Committee
	Community Forum / Public Open-House
February 3, 2004	Miami Beach Chamber of Commerce
February 10, 2004	Historic Preservation Board

Based on the information gathered at each of the above mentioned presentations, the consultant team revised the design and will present the “preferred” schematic design option to the City Commission on February 25, 2004.

Next Steps

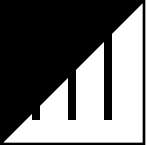
Preliminary Programming Review with Stakeholders (sign locations and messages)	Mid-March
Final Design Approvals	April - May
Construction Documentation	May - June
Project Bidding	July - August
Project Award	September
Fabrication & Installation	October - March

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the Resolution.

JMG/CMC/JG/JAM

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SCHEMATIC DESIGN CONCEPT FOR THE CITYWIDE WAYFINDING SIGNAGE PROJECT.

WHEREAS, a total of \$1,000,000 has been identified to fund a Citywide Wayfinding Signage System, including design, fabrication and installation of the signs, with funding sources including \$400,000 from the Convention Center Capital fund and \$600,000 from Parking Enterprise Funds; and

WHEREAS, on July 10, 2002, the Administration authorized the issuance of a Request for Proposals (RFP) from environmental graphic design firms for the purpose of providing the City with detailed planning and design services for a Citywide Wayfinding Signage System; and

WHEREAS, on February 5, 2003, the Mayor and City Commission adopted Resolution No. 2003-25121, accepting the recommendation of the City Manager pertaining to the ranking of proposals received pursuant to RFP No. 48-01/02 for Planning, Design and Construction Administration Services for a Citywide Wayfinding Signage System; and authorized the Administration to enter into negotiations with the top-ranked firm of Hillier; and

WHEREAS, on April 30, 2003, the Mayor and City Commission adopted Resolution No 2003-25182, approving and authorizing the Mayor and City Clerk to execute a Professional Services Agreement with the firm of Hillier, in the amount of \$185,770 for professional fees, and \$22,230 for reimbursable expenses; and

WHEREAS, on July 24, 2003 Hillier held an Identity Forum for the public to identify preferences in images, colors, typography, patterns, materials, architecture, themes, words and historical references that reflect the overall identity of Miami Beach; and

WHEREAS, Hillier created three different conceptual designs for the signage system based upon the public input from the Identity Forum, and presented the three design options in public meetings, including the Design Review Board and the Historic Preservation Board; and

WHEREAS, Hillier has prepared a single refined concept design based upon input from the public meetings.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby approves the schematic design concept for the Citywide Wayfinding Signage Project

PASSED and **ADOPTED** this ____ day of _____, 2004.

ATTEST:

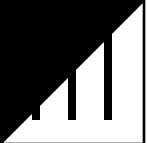
MAYOR

CITY CLERK

T:\AGENDA\2004\Feb2504\Regular\Signage Reso.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Daulton 2-19-04
City Attorney Date



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R7 - Resolutions

- R7F A Resolution Relative To A Proposed Settlement Agreement Of The Litigation With East Coastline Development, LTD., And Other Portofino-Related Entities, And Involving The Related Group Of Florida And/Or Other Related Entities, And Involving The Development Of Properties Known As The Alaska Parcel, Goodman Terrace And Hinson Parcels, And Blocks 1, 51 And 52 In The South Pointe Area Of Miami Beach.

(City Attorney's Office)

(Memorandum and Resolution to be Submitted in Supplemental)

AGENDA ITEM R7F
DATE 2-25-04



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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Art in Public Places	7	City Commission	2	Page 1
Beach Preservation Board	10	Commissioner Luis R. Garcia, Jr.	1	Page 4
Beautification Committee	8	Commissioner Luis R. Garcia, Jr.	1	Page 5
Board of Adjustment	7	City Commission	3	Page 6
Committee for Quality Education in MB	18	Commissioner Jose Smith	1	Page 8

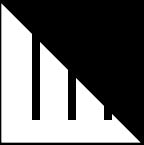
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2-25-04

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Community Development Advisory Committee	14	Commissioner Luis R. Garcia, Jr. Mayor David Dermer	1 2	Page 11
Community Relations Board	17	Jorge M. Gonzalez, City Manager	2	Page 13
Convention Center Advisory Board	7	Mayor David Dermer	1	Page 15
Convention Center Capital Projects Oversight Com.	7	Mayor David Dermer	1	Page 16
Debarment Committee	7	Commissioner Simon Cruz	1	Page 17
Fine Arts Board	14	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr. Commissioner Matti H. Bower Commissioner Saul Gross Mayor David Dermer	1 1 1 2 2	Page 19
Golf Advisory Committee	12	Mayor David Dermer	1	Page 21
Health Advisory Committee	11	City Commission	1	Page 22
Hispanic Affairs Committee	7	Mayor David Dermer	1	Page 25
Historic Preservation Board	7	City Commission	1	Page 26

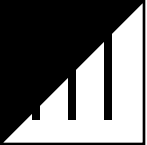
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VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Loan Review Committee	7	Commissioner Simon Cruz Mayor David Dermer	1 1	Page 29
Marine Authority	7	Commissioner Luis R. Garcia, Jr. Commissioner Simon Cruz Mayor David Dermer	1 1 1	Page 30
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross	1 2 1	Page 31
Miami Beach Florida Sister Cities	22	Mayor David Dermer	1	Page 35
Personnel Board	10	City Commission	1	Page 39
Police Citizens Relations Committee	17	Commissioner Luis R. Garcia, Jr. Commissioner Matti H. Bower	1 1	Page 41
Production Industry Council	7	Commissioner Matti H. Bower	1	Page 43
Public Safety Advisory Committee	7	Commissioner Luis R. Garcia, Jr. Mayor David Dermer	1 1	Page 44
Safety Committee	14	Commissioner Matti H. Bower Commissioner Richard L. Steinberg Commissioner Saul Gross Commissioner Simon Cruz Mayor David Dermer	1 1 1 1 1	Page 45
Transportation and Parking Committee	19	Commissioner Luis R. Garcia, Jr. Commissioner Matti H. Bower	1 1	Page 46

AGENDA ITEM _____
DATE _____



VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Youth Center Advisory Board	10	Commissioner Luis R. Garcia, Jr.	1	Page 49
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	

Attached is breakdown by Commissioner or City Commission:


JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Saul Gross	Mayor Dermer	11/25/03

Board and Committees Current Members

Art in Public Places

Sec. 82-561

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) members to be appointed by a majority of the entire City Commission, and who shall possess a high degree of competence in evaluation of art history and architectural history, art, architecture, sculpture, painting, artistic structure design and other appropriate art media for display or integration in public places.

City Liaison : Donna Shaw

Vacancy:

To replace Yolanda Sanchez

12/31/2005 City Commission

Amy Cappellazzo To replace

12/31/2004 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Debra	Scholl		12/31/2004	City Commission	12/31/04
Diane Star	Heller		12/31/2005	City Commission	12/31/09
Ilija	Mossdrop		12/31/2005	City Commission	12/31/06
James	Clearwater		12/31/2004	City Commission	12/31/06
Pola	Reydburd		12/31/2004	City Commission	12/31/04

Applicants	Position/Title	Applicants	Position/Title
Alfredo Sanchez	Architect/Partner	Alise Johnson	Attorney
Ari Sklar		Barry Ragone	
Bradshaw Lotspeich		Carol Hoffman (Guzman)	
Chris Ingalls	Art Mgmt.	Christine Taplin	
Clara Garcia McLean		Daniel Ritthaler	
Diane Star Heller		Edward Barberio	
Edwin Montalvo		Elizabeth Schwartz	Attorney
Evelyn Manset	Retired	Gayle Carson DeVecht	Consultant/Dr. Education
Grace Durbin		Gus Gutierrez	Design/Landscape/President
Jacqueline Lipsky		Janet Eaglstein	
Jesse Brody		Joe Garcia	Executive Director
Jose Manzanares		Lisa Austin	Arts Administrator
Maria Harris	Art Design	Merri Mann	
Nick Pietrocario		Nikos Prantzios	Consultant
Nina Weber Worth	Marketing Consultant	Pamela Brandt	Journalist (and musician)
Patty Hernandez		Pavlova Greber	
Sage Hoffman		Samantha Bratter	
Stewart Stewart	Artist	Su Rudy	Designer/Decorator
Terry Granot	BA in Economics/VP Investment Firm	Timothy Barry	Art Gallery Owner
Vesna Vera	Studio Artist	Vivian Gonzalez-Doyle	
Wyatt Porter-Brown	Architect/Design		



Board and Committees Current Members

Audit Committee

Reso 94-21259

Composition:

The committee shall consist of members, appointed by the City Commission., whose duties shall be to supervise and direct activities of the City's independent auditor in the planning and conducting of the annual City of Miami Beach audit and other City audits.

City Liaison:

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
New	Member	new	12/31/2004		12/31/07

Board and Committees Current Members

Barrier Free Environment Committee

Sec. 2-31

Composition:

The committee shall be composed of:

A board quorum of three (3) members and requiring at least three (3) votes for board action, Seven (7) voting members who shall be direct appointees by the Mayor and City Commissioners

- 1) persons having mobility impairment;
- 2) deaf and/or hard-of-hearing persons in the community; blind and/or vision impaired persons in the community;
- 3) mental, cognitive or developmental disabilities;
- 4) children with developmental disabilities;
- 5) children with physical disabilities; and
- 6) the industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation).

City Liaison: Heidi Johnson-Wright

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Cory	Di Geronimo		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
Janet	Grant Hyman		12/31/2005	Commissioner Simon Cruz	12/31/11
Lee	Weiss		12/31/2004	Commissioner Matti H. Bower	12/31/05
Michael	Brennan		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/09
Mike	Lantz		12/31/2004	Commissioner Saul Gross	12/31/09
Mildred	Levenson		12/31/2005	Commissioner Jose Smith	12/31/05
Rabbi Solomon	Schiff		12/31/2004	Mayor David Dermer	12/31/07
		ex-officio, Parking Department			
Barbara Sanchez		ex-officio, Patrol Div., Police Chief Designee			
Gladys Salas		ex-officio, Building Dept. Dir. Designee			
Heidi Johnson-Wright		ex-officio, City ADA Coord.			
Kevin Smith		ex-officio, Rec, Culture & Parks Dir. Designee			
Maria Ruiz		ex-officio, Dir. Office of Children's Affairs			

Applicants	Position/Title	Applicants	Position/Title
Craig Carpentieri		Marc Lichtman	

Board and Committees Current Members

Beach Preservation Board

Sec. 2-190.122

Composition:

The committee shall consist of:

seven (7) voting members, one appointed by the Mayor and each Commissioner, and three (3) non-voting ex-officio members to be comprised as follows:

- 1) Seven (7) citizens having an interest in the preservation of the city's beaches and the purposes of the committee,
- 2) The city's environmental specialist as an ex-officio member,
- 3) An individual appointed by the Miami Dade County Department of Environmental Resources Management (DERM), Natural Resources Division who holds the position of Special Projects Administrator II as an ex-officio member and,
- 4) A member of the city's Beach Patrol.

City Liaison: Robert Halfhill

Vacancy:

Claire Callen

TL 12/31/10

12/31/2005 Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Ana	Cordero		12/31/2005	Commissioner Simon Cruz	12/31/10
Christian	Folland		12/31/2004	Commissioner Matti H. Bower	12/31/08
Clotilde	Luce		12/31/2004	Commissioner Jose Smith	12/31/08
Jerry	Marsch		12/31/2005	Mayor David Dermer	12/31/05
Luiz	Rodrigues		12/31/2005	Commissioner Saul Gross	12/31/09
Sidney	Goldin		12/31/2004	Commissioner Richard L. Steinberg	12/31/10
Brian Flynn		ex-officio, Miami-Dade Co. Dept of Env. Res. Mgmt.			
Joe Fisher		ex-officio, City's Beach Patrol Lifeguard II			
Robert Halfill		ex-officio, City's Env. Specialist			

Applicants	Position/Title	Applicants	Position/Title
Cory Di Geronimo		Daniel Pearson	Finance/PR
Gail Harris	Lic. Clinical Social Worker	Gus Gutierrez	Design/Landscape/President
Irene Sperber		Jack Hartley	Interest in Beach Preservation
Jose Francisco		Joshua Levy	Law/Partner
Kenneth Carsto		Maria Guitian	Interest in Beach Preservation
Mark Muhlrud	Owner/Manager	Marta Martinez-Aleman	
Michael Noll	Interest in Beach Preservation/Archite	Nina Weber Worth	Interest in Beach Preservation/I
Peter Page	Interest in Beach Preservation	Renae Meltzer	Attorney
Susan Bisno	Interest in Beach Preservation	Tamra Sheffman	

Board and Committees Current Members

Beautification Committee

Sec. 2-36

Composition:

Eight (8) members, seven (7) of whom shall be direct appointees by the Mayor and City Commissioners. The chairperson of the Mayor's Ad Hoc Garden Center and Conservatory Advisory Committee or designee who shall serve as a non-voting ex-officio member.

City Liaison: Dale Bryant

Vacancy:

To replace Faye
Goldin

12/31/2005 Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Elizabeth	Resnick		12/31/2005	Commissioner Matti H. Bower	12/31/07
Helene	Owen		12/31/2004	Commissioner Jose Smith	12/31/05
James	Weingarten		12/31/2004	Commissioner Simon Cruz	12/31/09
Maria	Harris		12/31/2004	Mayor David Dermer	12/31/10
Norma	Weinstein		12/31/2005	Commissioner Saul Gross	12/31/09
Zoila	Datorre		12/31/2005	Commissioner Richard L. Steinberg	12/31/11
ex-officio chair of Mayor Ad-Hoc Garden Center					

Applicants	Position/Title	Applicants	Position/Title
Alfredo Sanchez	Architect/Partner	Archna Monzon	decorating and eye for art
Dolores Order		Gerald Mitkowsky	
Grant Gussin		Nikos Prantzios	Consultant
Pavlova Greber		Rachel Umlas	
Robert Glick		Robin Lea	
Terry Granot	BA in Economics/VP Investment Firm	Zoila Datorre	

Board and Committees Current Members

Board of Adjustment

Sec. 118.131

Composition:

One (1) year term.

Appointed by a 5/7th vote.

Seven (7) voting members consisting of the following professions or callings: Law, Architecture, Engineering, Real Estate Development, Certified Public Accountant, Financial Consultation, and General Business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community, and each member shall be bound by the requirements of the Conflict of Interest Ordinance of the city and shall be subject to removal from office for the violation of the terms thereof. No member shall have any financial or other interest in any matter coming before the board.

Members shall be appointed for a term of one year by a five-seventh vote of the city commission. Members of the Board of Adjustment must be either residents of or have their principal place of business in Miami Beach; provided, however, that this amendment shall not affect the term of existing members of the Board of Adjustment.

City Liaison: April Hirsch

Vacancy:

	Architect	12/31/2004	City Commission
To replace Joy Malakoff	Financial Consultant	12/31/2004	City Commission
To replace Theodore Berman	Engineer	12/31/2004	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Jason	Loeb	General Business	12/31/2005	City Commission	12/31/07
Laurence	Herrup	Certified Public Acct.	12/31/2004	City Commission	12/31/09
Michael	Gongora	Law	12/31/2004	City Commission	12/31/09
Roberto	DaTorre	Real Estate Developer	12/31/2005	City Commission	12/31/09

Applicants	Position/Title	Applicants	Position/Title
Alfredo Sanchez	Architect/Partner	Augusto Maxwell	retired attorney/South Beach la
Bernie Navarro	Finance/Business	Clayton Clavette	Real Estate
Gustavo Dezendegui	Attorney	Herbert Gopman	
Howard Gross		Jack Hartley	President
James Silvers	President/Silvers Design	James Wyman	Attorney
Jo Asmundsson		Jorge Rodriguez-Chomat	CPA/Attorney
Lawrence Fuller	Attorney	Louis Martinez	
Robert Arkin	Real Estate	Roberto DaTorre	

Board and Committees Current Members

Budget Advisory Committee

Sec. 2-44

Composition:

Nine (9) members. Seven (7) direct appointments with Mayor and each Commissioner making one (1) appointment.

Two (2) at-large appointments:

one (1) certified public accountant and

one (1) for a financial advisor.

City Liaison: Jose Cruz

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Basil	Vasiliou		12/31/2005	Commissioner Richard L. Steinberg	12/31/10
David	Heller		12/31/2004	Commissioner Matti H. Bower	12/31/07
Eugene	Woodard	Financial Advisor	12/31/2005	City Commission	12/31/08
Fred	Berens		12/31/2004	Commissioner Jose Smith	12/31/10
Jack	Benveniste		12/31/2005	Mayor David Dermer	12/31/05
Jeryl (Deede)	Weithorn	CPA/Partner	12/31/2004	City Commission	12/31/08
Jonathan	Fryd		12/31/2005	Commissioner Saul Gross	12/31/08
Marc	Gidney		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/10
Marc	Jacobson		12/31/2005	Commissioner Simon Cruz	12/31/05

Applicants	Position/Title	Applicants	Position/Title
Barry Stein	Attorney	Brad Fleet	
Bruce Reich	Direct/Attorney	Cory Di Geronimo	
Dana Kaufman	Attorney/CPA/Real Estate	Deborah Balliet Jacobson	Direct/Business Owner
Frank Kruszewski		Jay Parker	
Joshua Levy	Law Partner	Juan Jover	Direct/Finance/ Marketing
Lee Spiegelman		Michael Alvarez	Marketing/Personnel
Michael Francis		Milton Montalvo	
Paul Hoffman		Philip De La Roza	
Ralph Aleman	Health Care	Todd Taufest	Finance/Real Estate
Valerie Taylor			

Board and Committees Current Members

Committee for Quality Education in MB

Sec. 2-190.134

Composition:

The committee shall consist of fifteen (15) voting members.

A representative from each of the following eight schools:

North Beach Elementary,
Biscayne Elementary,
Feinberg-Fisher Elementary,
South Pointe Elementary,
Nautilus Middle School,
Miami Beach High School,
Ruth K. Broad Elementary School,
Treasure Island Elementary School,

and seven (7) members of the public with knowledge or expertise with regard to education. Two (2) City Commissioners who shall be appointed by a majority vote of the City Commission and who shall sit as non-voting ex-officio members of the committee.

City Liaison: Maria Ruiz

Vacancy:

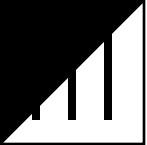
Jennifer Jones

TL 12/31/09

12/31/2005 Commissioner Jose Smith

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Beverly	Heller		12/31/2005	Commissioner Richard L. Steinberg	12/31/10
Leslie	Coller		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/07
Marta	Montaner		12/31/2005	Commissioner Matti H. Bower	12/31/10
May	Betancourt		12/31/2005	Commissioner Simon Cruz	12/31/10
Merri	Mann		12/31/2004	Commissioner Saul Gross	12/31/10
Michele	Rivera		12/31/2004	Mayor David Dermer	12/31/08
		ACM/ City Manager Designee			
Cynthia Albert		Rep. of the PTA of N.B. Elementary - 6/30/04			
Flor Schulz		Rep. of the PTA of Treasure Island Elem.- 6/30/04			
Josephine Borges		Rep. Of the PTA Biscayne Elementary School 6/30/04			
Karen Rivo		Rep. of the PTA of Nautilus Middle School - 6/30/04			
Matti Bower		Commissioner/City Comm./Comm. Smith designee			
Rachelle Arkin		Rep. of the PTA of South Pointe Elementary 6/30/04			
Roslie Rosenberg		Rep. of MB High School 06/30/04			
Timothy Sally		Rep. of the PTA of Feinberg Fisher Elem. 6/30/04			
Applicants	Position/Title	Applicants	Position/Title		
Evelyn Manset	Retired	Evelyn Raphael			
Holly Wallack	Office Manager	Jacqueline Bruno			
Jacqueline Greenberg		Jane Gilbert-Bernstein	Consultant		
Jane Vasiliou		Jodie Knofsky			
Karen Susan		Laura Apte	School Teacher/Art Adm.		
Leonora Rodriguez-Chomat	Teacher	Leslie Rosenfeld			
Luther Gray		Maggie Pacheco			
Marsha Sunshine		Polita Glynn			



Board and Committees Current Members

Rafael Velasquez
Zeiven Beitchman

Attorney
Phsycologist

Susan Bisno

Board and Committees Current Members

Committee on the Homeless

Sec. 2-161

Composition:

The committee shall consist of nine (9) members, three (3) to be appointed by the Mayor and each Commissioner to appoint one (1).

The chairperson of the Committee on the Homeless or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

Each member of the committee shall be selected from membership in an organization such as, but not limited to the following:

Service Providers:

Douglas Gardens Community Mental Health,

Salvation Army,

Better Way,

Miami Dade County Homeless Trust;

(Civic Representation: North Beach (North Beach Development Corp), 41st Street (Middle Beach Partnership), Lincoln Rd (Marketing Council), Washington Ave (Miami Beach Dev. Corp. and /or Washington Ave Task Force), Ocean Dr (Ocean Drive Improvement Association), Collins Ave (Hotel Association), South Pointe (South Pointe Advisory Board to the Red. Agency); member of the general public with personal experience with homeless issues CDBG Project Coordinator (ESG Emergency Shelter Grant Provider), city officials, representative from the Police Department and the City Attorney's Office as ex-officio members.

City Liaison: Maria Ruiz

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Juan	Rojas		12/31/2005	Commissioner Saul Gross	12/31/09
Kenneth	Carsto		12/31/2005	Mayor David Dermer	12/31/10
Marjorie	York		12/31/2005	Commissioner Matti H. Bower	12/31/05
Murray	Kirschner		12/31/2005	Mayor David Dermer	12/31/07
Patty	Hernandez		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/10
Paul	Yavis		12/31/2004	Commissioner Simon Cruz	12/31/10
Raul	Gorfinkel		12/31/2004	Commissioner Jose Smith	12/31/10
Robert	Stark		12/31/2004	Commissioner Richard L. Steinberg	12/31/10
Zeiven	Beitchman		12/31/2005	Mayor David Dermer	12/31/06

Applicants	Position/Title	Applicants	Position/Title
Edward McNally		Drake Corrigan	
Evelyn Raphael		Evelyn Manset	Retired
Joseph Biglin	To help others	Grace Durbin	
Karl Kennedy		Joshua Bratter	Partner
Michael O'hara		Lourdes Alfonso	
Rochelle Baker		Rafael Velasquez	Attornet
Susan Bisno		Rosalie Pincus	College Counselor
		Thomas Bellucci	

Board and Committees Current Members

Community Development Advisory Committee

Sec. 2-190.106

Composition:

Committee shall be composed of fourteen (14) members.

The Mayor and City Commissioners shall each make two (2) direct appointments. The fourteen (14) direct appointees shall fulfill the city affiliation requirement in either of the following ways:

- 1) An individual has been a resident of a locally designated community development target area for a minimum of six (6) months
- 2) An individual can demonstrate ownership/interest for a minimum of six (6) months in a business established in a locally designated community development target area for a minimum of six (6) months.

City Liaison: Joanna Revelo

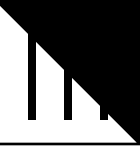
Vacancy:

Raul Sarraff	TL 12/31/09	12/31/2005	Mayor David Dermer
	To replace Shaun Leibovitz	12/31/2005	Commissioner Luis R. Garcia, Jr.
	To replace Alexander Jaimes	12/31/2004	Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alfredo	Sanchez	Architect/Partner	12/31/2004	Commissioner Matti H. Bower	12/31/10
Juan	Torres		12/31/2004	Commissioner Matti H. Bower	12/31/07
Julian	Linares		12/31/2004	Commissioner Simon Cruz	12/31/09
Lazaro	Martinez		12/31/2005	Commissioner Saul Gross	12/31/09
Lilliam	Janata		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/07
Mariana	Morgan		12/31/2005	Commissioner Simon Cruz	12/31/08
Michael	Francis		12/31/2005	Commissioner Richard L. Steinberg	12/31/10
Mijel	Brazlavsky		12/31/2004	Commissioner Jose Smith	12/31/05
Solomon	Genet		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
Stanley	Shapiro		12/31/2005	Commissioner Jose Smith	12/31/11
Todd	Narson		12/31/2004	Commissioner Saul Gross	12/31/06

Applicants	Position/Title	Applicants	Position/Title
Alexander Jaimes		Antonio Purrinos	
Bernice Martinez		Carla Datorre	
Christine Morales		Daniel Pearson	Finance/PR
Edward McNally		Fernand Amandi	
Grant Gussin		Gus Gutierrez	Design/Landscape/President
Harlan Sands		Jeremy Finer	
Jorge Rodriguez-Chomat	CPA/Attorney	Jose Manzanares	
Judith Berson-Levinson	Designer/Real Estate	Laura Morilla	
Maria Beatriz Gutierrez		Michael O'hara	
Michael Rosenbaum		Murray Dinnerstein	
Noah Franklin		Rachel Umlas	
Rebecca Johnson		Roger Cruz	Attorney



Board and Committees Current Members

Shaun Leibovitz
Steven Kozlowski
Valerie Taylor

Stephen Cassell
Ted Baker

Board and Committees Current Members

Community Relations Board

Sec. 2-190.11

Composition:

The board shall consist of seventeen (17) members.

Eleven (11) members shall be voting members to be appointed in the following manner: Seven (7) direct appointments, with the Mayor and each City Commissioner appointing a member.

Three (3) members shall be appointed by the City Manager and one

(1) ex-officio member shall be appointed by the Miami-Dade Community Relations Board from its membership.

Four (4) non-voting, ex-officio members shall be the chairpersons or designees of the following:

Commission on the Status of Women

Committee on the Homeless,

Hispanic Affairs Committee, and

Police/Citizen Relations Committee.

Two (2) non-Voting ex-officio,:

the police chief or his or her designee and

the director of the Bureau of Children's Affairs.

The composition of the board shall be reviewed every two (2) years.

City Liaison: Ramiro Inganzo

Vacancy:

To replace Roymi
Membiela

12/31/2004 Jorge M. Gonzalez, City Manager

To replace Shelly
Bell

12/31/2005 Jorge M. Gonzalez, City Manager

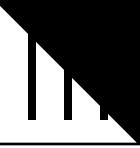
Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Gilbert	Squires		12/31/2005	Mayor David Dermer	12/31/10
Jaqueline	Hertz		12/31/2005	Commissioner Simon Cruz	12/31/05
Katherine	Pener		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/06
Marc	Lichtman		12/31/2005	Commissioner Matti H. Bower	12/31/05
Monica	Harvey		12/31/2004	Commissioner Jose Smith	12/31/06
Octavio	Zubizaretta		12/31/2004	Jorge M. Gonzalez, City Manager	12/31/09
Rabbi Aron	Blatt		12/31/2004	Commissioner Saul Gross	12/31/10
Robin	Lea		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
		ex-officio of Hispanic Affairs Committee			
		ex-officio of Police/Citizen Relations Committee			
Barbara Sanchez		ex-officio Police Chief Designee			
Carolyn Boyce		ex-officio of MDCRB			
Diana Susi		ex-officio of Status of Women			
Maria Ruiz		ex-officio Director of the Bureau Childrens Affair			
Marjorie York		ex-officio Committee on the Homeless			

Applicants	Position/Title	Applicants	Position/Title
Adam Hall	South Beach/Attorney	Alan Tempkins	Attorney
Bernard Adell		Bernice Martinez	Direct/At-Large
Brad Fleet	Attorney/mediations	Craig Carpentieri	
Faye Goldin		Gail Harris	Lic. Clinical Social Worker

Wednesday, February 18, 2004

Page 13 of 49 (Continued....)



Board and Committees Current Members

Gertrude Arfa	Clerical/ Adm.	Irlande Sanon	child development/parent couns
Jeff Bechdel	At-Large	Judith Berson-Levinson	Direct/At-Large
Leonid Feldman	Rabbi	Leslie Rosenfeld	
Merle Weiss		Milton Montalvo	
Nikki Bickley	Exec. Assistant	Paul Hoffman	
Regina Berman		Rosalie Pincus	Direct/At-Large
Sidney Goldin		Simon Rabbi Dudai	
Tamra Sheffman		Timothy Barry	Art Gallery Owner
Todd Tautfest	Finance/Real Estate	Vincent DeLoach	

Board and Committees Current Members

Convention Center Advisory Board

Sec. 2-46

Composition:

The board shall consist of seven (7) voting members.

The Mayor and each Commissioner shall make one (1) direct appointment.

The chairperson of the board of directors of the Miami Beach Chamber of Commerce or his/her designee shall serve as a non voting ex-officio member.

The Chairperson of the board of directors of the Greater Miami Convention and Visitors Bureau or his designee shall serve as a non voting ex-officio member.

Administrative representatives from the management group,

Greater Miami Convention and Visitors Bureau, and

the city manager's office shall serve as non-voting ex-officio members.

City Liaison: Gina Muniz

Vacancy:

Victor Bao

TL 12/31/09

12/31/2005 Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Bernice	Martinez		12/31/2004	Commissioner Richard L. Steinberg	12/31/09
Carole	Taran		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/08
Edward	Levinson		12/31/2004	Commissioner Saul Gross	12/31/07
Ivor	Rose		12/31/2005	Commissioner Simon Cruz	12/31/10
Joe	Fontana		12/31/2005	Commissioner Matti H. Bower	12/31/05
Norman	Litz		12/31/2005	Commissioner Jose Smith	12/31/05

Christina Cuervo ex-officio member of the City Manager's Office

Doug Tober ex-off. SMG Adm Rep.

Eva Barreto ex-officio, chairperson of the Bd of Dir. MBCC

Ita Moriarty ex-officio, GMCVB Adm Rep

Rhonda Hasan ex-officio, GMCVB Adm Rep

Applicants	Position/Title	Applicants	Position/Title
Alberto Muhtar		Brad Fleet	
Bryon Richard		Christine Morales	
Evelyn Raphael		Howard Gross	
Jay Jensen	management	Jo Asmundsson	
Keith Space		Kenneth Carsto	
Laura Apte	School Teacher/Art Adm.	Mark Muhlrad	Owner/Manager
Michael Baum		Rafael Suarez-Rivas	Attorney
Ralph Aleman	Health Care	Rhoda Rubin	
Stewart Stewart	Artist		

Board and Committees Current Members

Convention Center Capital Projects Oversight Com.

Sec 2-190.81

Composition:

The Capital Projects Oversight Committee shall consist of seven (7) voting members to be direct appointments by the Mayor and City Commissioners. The City Commission may appoint, by a majority vote, non-voting, ex-officio members to assist the committee in fulfilling its defined purposes.

The city affiliation requirement for membership shall be fulfilled in either of the following ways:

- 1) An individual has been a resident of the city for a minimum of six (6) months.
- 2) An individual can demonstrate ownership/interest for a minimum of six months in a business established in the city for a minimum of six (6) months.

City Liaison: Christina Cuervo

Vacancy:

To replace Stephen
Zack

12/31/2004 Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
David	Berger	Attorney	12/31/2005	Commissioner Saul Gross	12/31/09
Jack	Hartley		12/31/2005	Commissioner Luis R. Garcia, Jr.	12/31/07
Jorge	Rodriguez-Chomat		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
Julio	Lora		12/31/2004	Commissioner Matti H. Bower	12/31/09
Keith	Space		12/31/2004	Commissioner Simon Cruz	12/31/10
Leon	Manne		12/31/2005	Commissioner Jose Smith	12/31/08

Applicants	Position/Title	Applicants	Position/Title
Allan Hall		Bernice Martinez	
Carl Linder	Attorney	Craig Rickert	
David Berger		Ines Flax	
Jorge Kuperman	Architect	Marcelo Curi	
Myron "Mike" Greenberg		Neil Levinson	Attorney
Nick Pietrocarlo		Rafael Suarez-Rivas	Attorney
Roy Garret			

Board and Committees Current Members

Debarment Committee

Sec. 2-190.128

Composition:

The committee shall consist of seven (7) voting members to be individually appointed by the Mayor and Commissioners. The committee's purpose is to evaluate and, if warranted, to impose debarment as provided in Sections 2-397 through 2-406 of the City Code to exclude a contractor (and, in limited instances, a bidder or proposer) from city contracting and city approved subcontracting.

City Liaison: Gus Lopez

Vacancy:

Nataschia Ayers DeshTL 12/31/08

12/31/2005 Commissioner Simon Cruz

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Bruce	Reich		12/31/2004	Mayor David Dermer	12/31/07
David	Wieder		12/31/2005	Commissioner Jose Smith	12/31/09
Luis	Marcelin		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/07
Matthew	Krieger		12/31/2004	Commissioner Richard L. Steinberg	12/31/09
Melvyn	Schlesser		12/31/2004	Commissioner Saul Gross	12/31/11
Omar	Martinez		12/31/2005	Commissioner Matti H. Bower	12/31/08

Applicants	Position/Title	Applicants	Position/Title
Eric Lampinstein	Chiropractor	Jonathan Beloff	
Martin Wasserman		Michael F. Steffens	Architect
Minette Benson	Knowledge in Planning Process	Robin Lea	

Board and Committees Current Members

Design Review Board

Sec. 118.71

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) regular members and two (2) ex-officio members.

The seven (7) regular members shall consist of:

three (3) registered architects,

one (1) registered landscape architect,

one (1) registered architect, professional designer or professional urban planner,

and two (2) citizens at-large.

Residency and place of business in the county. The two (2) citizen-at-large members and one of the registered landscape architects, registered architects, professional designer or professional urban planners shall be residents of the city.

City Liaison: Thomas Mooney

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Gary	Knight	At-large	12/31/2004	City Commission	12/31/09
Gregory	Neville	Registered Architect	12/31/2004	City Commission	12/31/05
Louis	Martinez	At-large	12/31/2005	City Commission	12/31/09
Michael F.	Steffens	Registered Architect	12/31/2005	City Commission	12/31/09
Peter	Chavelier	Urban Land Planner	12/31/2004	City Commission	12/31/08
Ralph	Choeff	Registered Architect	12/31/2005	City Commission	12/31/07
Steve	Lefton	Landscape Architect	12/31/2004	City Commission	12/31/09

Janet Grant-Hyman ex-officio/Barrier Free Env. Comm.

Jorge Gomez ex-officio/ Historic Pres, & Urban Design Director

Applicants	Position/Title	Applicants	Position/Title
Alan Tempkins	Attorney	Alex David	
Alfredo Sanchez	Architect/Partner	Carlos Prio-Touzet	
Clayton Clavette	Real Estate	Colleen Martin	Attorney
Cristina LaBuzetta		Edward McNally	
Frank Kruszewski		Gus Gutierrez	Design/Landscape/President
Heidi Siegel	Historic Preservation Planner	Herbert Gopman	
Howard Gross		James Silvers	Architect
Jason Hagopian		Jean-Francois LeJeune	Architecture/Professor
Jeffrey Cohen		Joan Hage	Real Estate
Jorge Kuperman	Architect	Lillian Ser	Attorney
Lourdes Solera	Registered Architect	Mark Muhlrud	
Neil Levinson	Attorney	Rafael Suarez-Rivas	Attorney
Robert Brown		Rony Curvelo	Journalist
Samantha Bratter		Shareef Malnik	Business Owner
Stephen van Blommestein		Su Rudy	Designer/Decorator
Theodore Berman		Timothy Anderson	Landscape Architect
William Gonzalez		Wyatt Porter-Brown	Architect/ Design

Board and Committees Current Members

Fine Arts Board

Composition:

Fourteen (14) members with Mayor and City Commissioners appointing two (2) members each. The Miami Beach Fine Arts Board promotes the work of contemporary visual and cultural artists, enhances the appreciation for the arts in the community at large, and provides economic stimulation to under served neighborhoods.

City Liaison: Donna Shaw

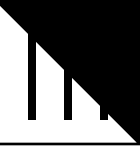
Vacancy:

	To replace Leigh Alvarez	12/31/2005	Commissioner Matti H. Bower
George Neary	TL 12/31/07	12/31/2005	Mayor David Dermer
Cheryl Jacobs	TL 12/31/06	12/31/2004	Mayor David Dermer
	To replace Debra Schwartz	12/31/2004	Commissioner Saul Gross
	To replace Chris Ingalls	12/31/2005	Commissioner Saul Gross
	To replace Marisue Beloff	12/31/2004	Commissioner Jose Smith
	To replace Laura Apte	12/31/2004	Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Anthony	Japour		12/31/2005	Commissioner Luis R. Garcia, Jr.	12/31/09
Dana	Eber		12/31/2005	Commissioner Richard L. Steinberg	12/31/08
Gordon	Saks		12/31/2005	Commissioner Simon Cruz	12/31/10
Jacqueline	Roch		12/31/2004	Commissioner Simon Cruz	12/31/09
Laura	Bruney		12/31/2005	Commissioner Jose Smith	12/31/05
Randie	Hofer		12/31/2004	Commissioner Matti H. Bower	12/31/05
Robert	Glick		12/31/2004	Commissioner Richard L. Steinberg	12/31/11

Applicants	Position/Title	Applicants	Position/Title
Alise Johnson	Attorney	Allan Hall	
Anthony Japour		Archna Monzon	decorating and an eye for art
Armando Trabanco		Barry Ragone	
Bradshaw Lotspeich		Carol Hoffman (Guzman)	
Daniel Ritthaler		David Silva	Business owner
Dona Zemo		Edwin Montalvo	
Elizabeth Resnick	Magazine Executive	Grace Durbin	
Grace Sherman	Art Director	Gus Gutierrez	Design/Landscape/President
Ines Flax		Jacqueline Lipsky	
Jesse Brody		Leonora Rodriguez-Chomat	Teacher
Marianela Chevalier		Mark Weithorn	
Matthew Krieger	Pres. Publisher/Attorney	Merri Mann	
Monica Plaza		Natalia Reparaz	
Nina Weber Worth	Marketing Consultant	Pamela Brandt	Journalist (and musician)
Patricia MacIsaac	Real Estate/Enter. Mgr	Patty Hernandez	



Board and Committees Current Members

Pavlova Greber

Roger Cruz

Timothy Barry

Attorney

Art Gallery Owner

Peter Page

Susan Brustman

Art/PR/Marketing

Board and Committees Current Members

Golf Advisory Committee

Sec. 2-76

Composition:

The committee shall be composed of twelve (12) members.

Consisting of eleven (11) voting members,

seven (7) by direct appointment by the mayor and city commissioners, and

four who shall be the presidents of the Bayshore and Normandy Shores Men's and Women's Golf Association.

The city manager or his designee shall serve as a non voting ex-officio member.

The chairperson of the Golf Advisory Committee or his designee shall serve as a non-voting, ex-officio member of the Recreational Centers and Parks Facilities Board, to be renamed the Parks and Recreational Facilities Board.

City Liaison: Kevin Smith

Vacancy:

Linda Leibovici

TL 12/31/09

12/31/2005 Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Brian	Judge		12/31/2004	Commissioner Simon Cruz	12/31/08
Daniel	Spring		12/31/2005	Commissioner Saul Gross	12/31/05
Eugene	Howard		12/31/2004	Commissioner Richard L. Steinberg	12/31/09
Joe	Pallant		12/31/2004	Commissioner Matti H. Bower	12/31/08
Lee	Teichner		12/31/2005	Commissioner Jose Smith	12/31/08
Rolando	Rodriguez		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/08

Pres. For Bayshore Women's Golf Assoc.

Bernard Frank

President of the Normandy Shore Men's Golf Assoc.

Kevin Smith

ex-officio, designee of the City Manager

Pearl Levine

Pres, Normandy Shore's Women's Golf Assoc.

Scott Lipman/C.Hart

President of the Bayshore Men's Golf Assoc.

Applicants	Position/Title	Applicants	Position/Title
Dana Kaufman	Attorney/CPA/Real Estate	Don Israel	
Frank Hammons		Ginny Simon	
Glenn Dryfoos	Sr. VP and Gen. Counsel	Grant Gussin	
Joseph Posnick		Marjorie York	At-Large
Octavio Zubizaretta		Patricia MacIsaac	Real Estate/Enter. Mgr
Paul Hoffman		Phillip Hudson III	
Rolando Rodriguez		Su Rudy	Designer/Decorator

Board and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-
2352

Composition:

Eleven (11) voting members. Appointed by the City Commission at-large, upon recommendations of the City Manager:

Two (2) members shall be the chief executive officers (CEO's) or their designated administrators from each of the following local hospitals:

- 1) Mount Sinai Medical Center,
- 2) South Shore Hospital,

One (1) member shall be the Chief Executive Officer (CEO) from Stanley C. Myers Community Health Center or his/her designee administrator;

Two (2) member shall be an administrator from an Adult Congregate Living Facility (ACLF). and/or an Assisted Living Facility (ALF);

One (1) member shall be a representative from the nursing profession;

One (1) member shall be a health benefits provider;

Two (2) members shall be physicians.;

Two (2) members shall be consumers consisting of:

- 1) one (1) individual from the corporate level and ;
- 2) one (1) private individual.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami Dade County Health Department and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.

City Liaison: Cliff Leonard

Vacancy:

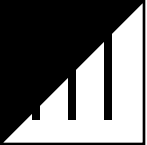
To replace O.L.
Alvarez

ACLF 12/31/2004 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Daniel	Nixon	Private individual	12/31/2005	City Commission	12/31/07
Dr. Rasciel	Socarraz	Health Provider	12/31/2005	City Commission	12/31/09
Dr. Ronald	Shane	Private Individual	12/31/2005	City Commission	12/31/09
Heidi	Azari	Nursing Profession	12/31/2005	City Commission	12/31/08
Jorge	Perez	Physician	12/31/2004	City Commission	12/31/09
Joyce	Galbut	Adm. Adult Cong Livn.	12/31/2004	City Commission	12/31/09
Kathryn	Abbate	CEO, Stanley Myers (NTL)	12/31/2004	City Commission	
Steven	Sonenreich	CEO/Mt. Sinai/MH (NTL)	12/31/2004	City Commission	
William	Zubkoff	C.E.O.. So. Shore (NTL)	12/31/2004	City Commission	12/31/08
Zalman	Bacheikov	Dentist	12/31/2004	City Commission	12/31/06
Maria Ruiz	ex-officio, Director of Children's Affairs				
Sonia Albury	rep. From the Health Council of South Fla				

Applicants	Position/Title	Applicants	Position/Title
Alexander Jaimes	Chiropractic	Craig Berko	
Craig Carpentieri		David Fink	
Evelyn Manset	Retired	Harriet Feuerman	
Katherine Perner	Retired Teacher	Mark Sinnreich	MD



Board and Committees Current Members

Michael Baum

Rafael Velasquez

Rolando Rodriguez

Stephen Zaron

Attorney

Physician/Consumer Private

Nicole Nedd

Ralph Aleman

Stephen Zack

Health Care

Physician/cons priv.

Board and Committees Current Members

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.

Five (5) members shall consist of;

two (2) health providers,

one (1) individual in the field of general business who possesses good standing in the community;

one (1) accountant and;

one (1) attorney.

The chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority.

Members shall be residents of the City.

Florida Statute 154.207 No term Limits-4 years.

City Liaison: Patricia Walker

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	Accountant	6/19/2004	City Commission	12/31/05
Lawrence	Fuller	Attorney	6/19/2005	City Commission	12/31/05
Mark	Sinnreich	Health Provider - TL 05	6/19/2007	City Commission	12/31/05
Michael	Baum	Health Provider	6/19/2006	City Commission	12/31/07
Tony	Rodriguez	General Business	6/19/2007	City Commission	12/31/09
Chairperson, Health Advisory Board					

Applicants	Position/Title	Applicants	Position/Title
Jay Parker		Juan Jover	Finance/Marketing
Ralph Aleman	Health Care	Zalman Bacheikov	

Board and Committees Current Members

Hispanic Affairs Committee

Sec. 2-190.21

Composition:

The committee shall consist of seven (7) members, with the Mayor and each Commissioner making one (1) appointment.

The chairperson of the Hispanic Affairs Committee or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

City Liaison: Nannette Rodriguez

Vacancy:

To replace Rafael
Suarez-Rivas

12/31/2004 Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Esther	Amador		12/31/2005	Commissioner Matti H. Bower	12/31/10
Jacobo	Epelbaum		12/31/2004	Commissioner Jose Smith	12/31/05
Jeannette	Egozi		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
Jose	Heres		12/31/2004	Commissioner Saul Gross	12/31/05
Luis	Govantes		12/31/2005	Commissioner Luis R. Garcia, Jr.	12/31/06
Marie	Towers		12/31/2004	Commissioner Simon Cruz	12/31/07

Applicants	Position/Title	Applicants	Position/Title
Alberto Rodriguez		Alexander Jaimes	
Carmen Granda		Marta Martinez-Aleman	
Michael Alvarez	Marketing/Personnel	Monica Plaza	
Octavio Zubizaretta		Raul Gorfinkel	
Roger Cruz	Attorney	Rolando Rodriguez	
Rosa Borgen		Sage Hoffman	
Victor Bao	Travel, tourism and marketing	William Gonzalez	

Board and Committees Current Members

Historic Preservation Board

Sec. 118-101

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) members. There shall be a member from each of the following categories:

- 1) A representative from the Miami Design Preservation League (MDPL);
Selected from three names nominated by the League.
- 2) A representative from Dade Heritage Trust (DHT);
Selected from three names nominated by the Trust.
- 3) One at-large member who owns or manages a property or properties located in one of the city's historic districts;
- 4) One at-large member who resides in one of the city's historic districts;
- 5) An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures;
- 6) A registered architect, registered landscape architect, professional designer or professional urban planner with practical experience in the rehabilitation of historic structures; or an attorney, or a licensed engineer who has professional experience and demonstrated interest in historic preservation.;
- 7) A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.

City Liaison: Thomas Mooney

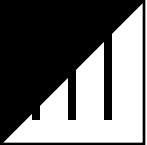
Vacancy:

Raul Garcia TL 12/31/04 FIU Professor 12/31/2005 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Allan	Hall	Professional/Attorney	12/31/2005	City Commission	12/31/09
Beth	Dunlop	Dade Heritage	12/31/2004	City Commission	12/31/05
Judith	Berson-Levinson	At large	12/31/2004	City Commission	12/31/06
Mitch	Novick	MDPL	12/31/2004	City Commission	12/31/05
Randall	Robinson	At-Large	12/31/2004	City Commission	12/31/05
William	Taylor	Registered Architect	12/31/2005	City Commission	12/31/04

Applicants	Position/Title	Applicants	Position/Title
Cristina LaBuzetta		David Phillips	
Donna Bloom	Real Estate Board	Frank Kruszewski	
Gregory Neville	Architect	Gustavo Dezendegui	Attorney
Heidi Siegel	Historic Preservation Planner	Herbert Gopman	
Jason Hagopian		Jeffrey Cohen	
Jerry Libbin		Jorge Kuperman	Architect
Jose Francisco		Lillian Ser	Attorney
Lourdes Solera	Registered Architect	Maria Guitian	Attorney
Marilys Nepomechie	Architect/Professor	Michael F. Steffens	
P. Eaton		Rafael Suarez-Rivas	Attorney
Samantha Bratter		Scott Needelman	Apartment Manager/Constructic
Sheila Duffy-Lehrman	TV/Film	Su Rudy	Designer/Decorator
Ted Baker		Theresa D'Amico	Interior Designer



Board and Committees Current Members

William Medellin

Architect

Board and Committees Current Members

Housing Authority

Reso 7031 421.05
ES

Composition:

Four year appointment.

Five (5) members, appointed by the Mayor.

Appointments must be confirmed by the City Commission.

At least one (1) member who shall be a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority, which member shall be appointed at the time a vacancy exists.

City Liaison: Miguell Del Campillo

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Leonard	Turkel	HA Commissioner	10/11/2007	Mayor David Dermer	10/11/11
Maria Beatriz	Gutierrez	HA Commissioner	10/11/2005	Mayor David Dermer	10/11/08
Milli	Membiela	Lending Director	10/11/2006	Mayor David Dermer	10/11/10
Rosalia	Lopez	Tenant Commissioner	10/11/2004	Mayor David Dermer	10/11/10
Steven	Chaykin	HA Commissioner	10/11/2005	Mayor David Dermer	10/11/09

Applicants	Position/Title	Applicants	Position/Title
Annette Torres		Alfredo Sanchez	Architect/Partner
James Silvers	President, Silvers Design Bldg. Corp.	Anthony Guerra	
Julio Lora		Jerry Libbin	North Beach/Invest, Broker
Maria Roca		Lourdes Alfonso	
Philip De La Roza	housing authority	Patricia Herrera	
Stanley Shapiro		Shannon Guardado	
Valerie Taylor		Theodore Berman	
		Vincent DeLoach	

Board and Committees Current Members

Loan Review Committee

Sec. 2-166

Composition:

The committee shall consist of seven (7) voting members whom shall be direct appointments by the Mayor and City Commissioners. The finance director or his/her designee and the city manager or his/her designee shall serve as non-voting ex-officio members

A member of the Community Development Advisory Committee (CDAC) shall be designated to serve as a non-voting ex-officio member of the LRC in order to facilitate communications between the LRC and CDAC.

City Liaison: Miguell Del Campillo

Vacancy:

James Gleason	TL 12/31/09	President, CEO	12/31/2005	Mayor David Dermer
Phillip Brazlavsky	TL 12/31/05		12/31/2005	Commissioner Simon Cruz

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Barry	Ragone		12/31/2005	Commissioner Luis R. Garcia, Jr.	12/31/10
Hope	Fuller		12/31/2004	Mayor David Dermer	12/31/08
Jay	Parker		12/31/2004	Commissioner Richard L. Steinberg	12/31/11
Joshua	Levy		12/31/2004	Commissioner Jose Smith	12/31/08
Regina	Berman		12/31/2005	Commissioner Matti H. Bower	12/31/05
ex-officio member of the CDAC					
Patricia Walker		ex-officio Finance director or his/her designee			

Applicants	Position/Title	Applicants	Position/Title
Barry Josepher		Bryon Richard	
Frank Schwartz		Gustavo Dezendegui	Attorney
James Gleason		Jose Francisco	
Juan Jover	Finance/Marketing	Maria Paulsen	
Martin Wasserman		Michael Alvarez	Marketing/Personnel
Michael O'hara		Milli Membiela	Lending Director
Phillip Brazlavsky			

Board and Committees Current Members

Marine Authority

Sec. 2-190.46

Composition:

The marine authority shall consist of seven (7) voting members, who shall be direct appointments by the mayor and city commissioners, and one non voting, ex-officio member of the authority, who shall be a representative of the city marine patrol.

Appointments to the authority shall consist of individuals who have had previous experience in the operation of or inspection of either marine vessels or marine facilities including experience in various types of boat activities, including fishing in the waterways of the city. The members of the marine authority shall have the right and duty to consult with any member of the city administration for technical or other information pertaining to the matters before them.

City Liaison: Janice Pye

Vacancy:

Stuart Reed	TL 12/31/09	12/31/2005	Mayor David Dermer
	To replace Bernie Navarro	12/31/2005	Commissioner Simon Cruz
	To replace Liliam Lopez	12/31/2005	Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Barbara	Patchen		12/31/2004	Commissioner Richard L. Steinberg	12/31/05
Jeffrey	Galitz		12/31/2004	Commissioner Jose Smith	12/31/10
Juan	Rodriguez		12/31/2004	Commissioner Matti H. Bower	12/31/07
Morris	Sunshine		12/31/2005	Commissioner Saul Gross	12/31/06
Sgt. Priscilla Grandag ex-officio MB Marine Patrol					

Applicants	Position/Title	Applicants	Position/Title
Alberto Muhtar		David Heller	CPA
David Philips		Joseph Villari	
Michael Alvarez	Marketing/Personnel	Patricia MacIsaac	Real Estate/Enter. Mgr
Robert Christoph	President & CEO	Robert Christoph	

Board and Committees Current Members

Miami Beach Commission on Status of Women

Sec. 2-190.1

Composition:

Twenty-one (21) members.

Each of the seven (7) members of the commission shall appoint three (3) members.

The chairperson of the Commission on the Status of Women or its designee shall serve as a non-voting ex-officio member of the Community Relations Board.

City Liaison: Judy Hoanshelt

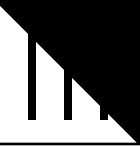
Vacancy:

To replace Lidia Resnick	12/31/2004	Commissioner Saul Gross
To replace Vivian Giller	12/31/2005	Commissioner Luis R. Garcia, Jr.
To replace Karla Marquez	12/31/2004	Commissioner Luis R. Garcia, Jr.
To replace Jeannette Egozi	12/31/2005	Commissioner Jose Smith

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Allison	Kumble		12/31/2004	Commissioner Richard L. Steinberg	12/31/10
Barbara	Gillman		12/31/2005	Commissioner Simon Cruz	12/31/05
Beth	Gopman		12/31/2005	Mayor David Dermer	12/31/09
Dale	Gratz		12/31/2005	Commissioner Jose Smith	12/31/05
Diana	Susi		12/31/2004	Mayor David Dermer	12/31/05
Dona	Zemo		12/31/2005	Commissioner Saul Gross	12/31/09
Donna	Bloom		12/31/2005	Commissioner Matti H. Bower	12/31/05
Elizabeth	Schwartz		12/31/2005	Commissioner Simon Cruz	12/31/09
Gail	Harris		12/31/2005	Commissioner Richard L. Steinberg	12/31/06
Ida	Percal		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/08
Leslie	Graff		12/31/2005	Commissioner Matti H. Bower	12/31/07
Lizette	Lopez		12/31/2005	Commissioner Matti H. Bower	12/31/05
Merrie	Thomas		12/31/2004	Commissioner Richard L. Steinberg	12/31/10
Meryl	Wolfson		12/31/2004	Mayor David Dermer	12/31/05
Monica	Plaza		12/31/2004	Commissioner Jose Smith	12/31/10
Sara	Resnick		12/31/2004	Commissioner Simon Cruz	12/31/05
Sarah	Lenett		12/31/2004	Commissioner Saul Gross	12/31/09

Applicants	Position/Title	Applicants	Position/Title
Beverly Heller	Educator	Christine Morales	
Dolores Order		Elizabeth Resnick	Magazine Executive
Eric Lampinstein	Chiropractor	Evelyn Manset	Retired
Grace Mallah	Realtor	Katherine Pener	Retired Teacher
Laura Apte	School Teacher/Art Adm.	Marjorie York	
Merle Weiss		Nikki Bickley	Exec. Assistant
Regina Suarez		Shannon Guardado	
Sheila Duffy-Lehrman	TV/Film	Su Rudy	Designer/Decorator



Board and Committees Current Members

Terry Granot

BA in Economics/VP Investment Firm

Board and Committees Current Members

Miami Beach Cultural Arts Council

Sec. 2-51

Composition:

Three (3) years term.

Vacancies submitted by slate of candidates provided by the council.

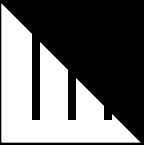
Eleven (11) members to be appointed at-large by a majority vote of the Mayor and City Commission. Effective December 31, 2001, concurrent with the expiration of the terms of six (6) members of the council, and the resulting vacancies thereon, three (3) members shall be appointed for three (3) year terms each, provided that one of those appointments shall be to fill the vacancy of the one (1) year term expiring on December 31, 2001, and three (3) members shall be appointed for two (2) year terms each. Additionally, effective December 31, 2002, no council member may serve more than six (6) consecutive years.

City Liaison: Roberta Behrendt

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Ada	Llerandi		12/31/2005	City Commission	12/31/06
Alfredo	Richards		12/31/2004	City Commission	12/31/09
Jeffrey	Abbatechio		12/31/2004	City Commission	12/31/08
Lidia	Resnick		12/31/2006	City Commission	12/31/09
Liliam	Lopez		12/31/2005	City Commission	12/31/09
Merle	Weiss		12/31/2006	City Commission	12/31/09
Michael	McManus		12/31/2005	City Commission	12/31/08
Nancy	Liebman		12/31/2004	City Commission	12/31/08
Ricky	Arriola		12/31/2006	City Commission	12/31/09
Roger	Abramson		12/31/2004	City Commission	12/31/06
Roymi	Membiela		12/31/2006	City Commission	12/31/09

Applicants	Position/Title	Applicants	Position/Title
Farkas		Adam Carlin	
Alise Johnson	Attorney	Barry Chase	
Bradshaw Lotspeich		Bruce Davidson	Attorney
Carol Hoffman (Guzman)		Chenell Tannure	Theater Education
Cheryl Jacobs		Christine Weistead	
Dana Eber	Artist/Therapist	Daniel Ritthaler	
Donna Bloom	Real Estate Board	Edwin Montalvo	
Elizabeth Resnick	Magazine Executive	Evelyn Manset	Retired
Gail Harris	Direct/At-Large	George Neary	
Gerald Mitkowsky		Gertrude Arfa	Clerical/Adm.
Gilbert Squires		Gordon Saks	
Greg Scheinman	TV Producer	Ileana Stefano	Sales & marketing
Jacqueline Lipsky		James Clearwater	Business Owner
Jane Gilbert-Bernstein	Consultant	Jesse Brody	
Jonathan Katzen	Arts Marketing	Joy Malakoff	Senior Vice President
Leigh Alvarez	Marketing	Leonid Feldman	Rabbi
Lisa Palley	President/PR/Marketing	Madeline Fuste	Self-Employed
Maria Alquilar	Board Member - Cultural Arts	Marjorie O'Neill-Butler	
Mark Tamis		Mark Weithorn	



Board and Committees Current Members

Marta Martinez-Aleman		Matthew Krieger	Pres. Publisher/Attorney
Monica Plaza		Nancy Wolcott	
Navin Ramani	Consultant	Nikos Prantzios	Consultant
Nina Weber Worth	Marketing Consultant	P. Eaton	
Pamela Brandt	Journalist (and musician)	Patty Hernandez	
Pavlova Greber		Renae Meltzer	Attorney
Robert Meltzer	Author	Romy Jurado	
Sage Hoffman		Solomon Genet	Associate Attorney
Stanley Worton	MD	Stewart Stewart	Artist
Su Rudy	Designer/Decorator	Sumiko Kuboi	
Susan Brustman		Terry Granot	BA in Economics/VP Investor
Thomas Bellucci		Todd Tautfest	Finance/Real Estate
Tom Schmitt		Vivian Gonzalez-Doyle	
Zoraida Barreiro	Management		

Board and Committees Current Members

Miami Beach Florida Sister Cities

Sec. 2-181

Composition:

The Coordinating Council is the governing body of the overall Sister Cities Program. The council shall consist of;

two (2) representatives per Sister City affiliation and ,
four (4) members appointed from the county at large.

The members of the coordinating council shall be residents of the county who are interested in furthering the purpose of the program. Any person interested in furthering the purpose of the program may become a member of an individual sister city committee upon approval by the coordinating council.

To qualify, the person shall present a resume and a letter of interest to the committee chairperson. These members are appointed by the Mayor of the City of Miami Beach for two (2) years. City Liaison: David Dermer

Vacancy:

Dr. David Lehrman	TL 12/31/10	At-large	12/31/2005	Mayor David Dermer
Roberto DaTorre	TL 12/31/08	Almonte, Spain	12/31/2005	Mayor David Dermer
John Gale	TL 12/31/08	Pescara, Italy	12/31/2005	Mayor David Dermer
Ed Boen	TL 12/31/03	Rio de Janeiro, Brazil	12/31/2005	Mayor David Dermer
Daniela Linden-Retk	TL 12/31/08	Krumlov, Czech Republic	12/31/2005	Mayor David Dermer
Bruce Singer	TL 12/31/08	Fujisawa, Japan	12/31/2005	Mayor David Dermer
Armando Hernandez	TL 12/31/08	Cozumel, Mexico	12/31/2005	Mayor David Dermer
	To replace Racquel Vallejo, Krumlov, Czech Rep		12/31/2004	Mayor David Dermer
Aliza Brenner	TL 12/31/08	Ramat-Gan, Israel	12/31/2005	Mayor David Dermer
Alfredo Rey	TL 12/31/09	Almonte, Spain	12/31/2005	Mayor David Dermer

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amparo	Vargas	Cozumel, Mexico	12/31/2004	Mayor David Dermer	12/31/07
Bernice	Martinez	At-large	12/31/2005	Mayor David Dermer	12/31/09
Claudia	Dunin	Rio de Janeiro	12/31/2004	Mayor David Dermer	12/31/10
David	Kelsey	At-large	12/31/2004	Mayor David Dermer	12/31/08
George	Safirstein	Santa Marta, Colombia	12/31/2004	Mayor David Dermer	12/31/10
Guillermo	Villar	Ica, Peru	12/31/2004	Mayor David Dermer	12/31/06
Jerrold	Goodman	At-large	12/31/2004	Mayor David Dermer	12/31/06
Nuccio	Nobel	Pescara, Italy	12/31/2004	Mayor David Dermer	12/31/07
Rony	Curvelo	Santa Marta, Colombia	12/31/2005	Mayor David Dermer	12/31/10
Salomon	Yuken	Ica, Peru	12/31/2004	Mayor David Dermer	12/31/06
Stephanie	Trinidad	Fujisawa, Japan	12/31/2004	Mayor David Dermer	12/31/08
Steven	Haas	Ramat-Gan, Israel	12/31/2004	Mayor David Dermer	12/31/07

Applicants	Position/Title	Applicants	Position/Title
Art Santucci	At-large	Carla Datorre	
Sergio Vilhena	Rio De Janeiro, Brazil (1996)	Steven Haas	Ramat-gan, Israel (1971)
Sumiko Kuboi			

Board and Committees Current Members

Normandy Shores Local Gov. Neighborhood Impv.

Sec 42

Composition:

The Advisory Council shall be appointed by the Board of Directors (City Commission) and composed of three members of the Executive Committee of the Normandy Shores Homeowner Association. On behalf of the Board of Directors, the City Clerk shall solicit from the Executive Committee the eligibility list of its members for appointment consideration. The Advisory Council shall be composed of the three members of the Executive Committee of the Normandy Shores Homeowners Association as per Resolution No. 97-22449 adopted July 2, 1997.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dick	Yousoufian		12/31/2005	City Commission	12/31/07
Michael	Schwartz		12/31/2005	City Commission	12/31/07
Raquel	Fuentes		12/31/2005	City Commission	12/31/07

Applicants	Position/Title	Applicants	Position/Title
Michael Schwartz			

Board and Committees Current Members

Oversight Committee for General Obligation Bond

Sec. 2-190.126

Composition:

Thirteen (13) members consisting of two (2) residents from the following areas:

- 1) North Beach;
- 2) Middle Beach;
- 3) South Beach;
- 4) one (1) member from each of the following organizations:
the Budget Advisory Committee,
the Planning Board,
the Chamber of Commerce,
the Transportation and Parking Committee,
the Community Development Advisory Committee (who shall be a voting member),
one from the Historic Preservation Board (who shall be a voting member),
one (1) MEMBER FROM THE CITY COMMISSION.

City Liaison: Bob Middaugh

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amy	Rabin	Middle Beach	12/31/2005	City Commission	12/31/05
Frank	Del Vecchio	South Beach	12/31/2005	City Commission	12/31/05
Michael	Rotbart	North Beach	12/31/2005	City Commission	12/31/05
Roberto	Sanchez	North Beach	12/31/2004	City Commission	12/31/05
Scott	Needelman	South Beach	12/31/2004	City Commission	12/31/08
Sherri	Krassner	Middle Beach	12/31/2004	City Commission	12/31/06

ex-officio member of Transportation and Pkg.

Jean-Francois LeJeun	Member of the Planning Board)
Jeryl (Deede) Weithor	Budget Advisory Comm.
Leonard Wien, Jr.	Chamber of Commerce
Mayor David Dermer	Member from City Commission
Mijel Brazlavsky	(voting member of the CDAC)
Mitch Novick	(voting member of the Historic Pres. Bd)

Applicants	Position/Title	Applicants	Position/Title
Asandra Lamb		Carl Linder	Attorney/South Beach
Charles Burkett	Middle Beach	Gertrude Arfa	Clerical/Adm./Middle Beach
Judy Gelber	North Beach	Marc Gidney	
Martin Wasserman		Melissa Lorber	South Beach
Michael Francis		Terry Granot	BA in Eco./South Beach

Board and Committees Current Members

Parks and Recreational Facilities Board

Sec. 2-171

Composition:

The board shall be comprised of ten (10) members.

Seven (7) direct appointments made by the mayor and each commissioner.

The chairperson of the following boards/committees or their designees shall serve as nonvoting ex-officio members of the Parks and Recreational Facilities Board:

- 1) Beautification Committee,
- 2) Golf Advisory Committee, and
- 3) Youth Center Advisory Board (See Beach Preservation, ex-officio member.)

Members of the board shall demonstrate interest in the City's Parks and Recreational Facilities and programs through their own participation or the participation of a member of their immediate family.

City Liaison: Kevin Smith

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Barbara	Gelber		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/05
Barbara	Herskowitz		12/31/2004	Commissioner Matti H. Bower	12/31/05
Gary	Heffner		12/31/2004	Mayor David Dermer	12/31/05
Jay	Scharer		12/31/2004	Commissioner Simon Cruz	12/31/10
Michael	Rosenbaum		12/31/2005	Commissioner Jose Smith	12/31/11
Patricia	MacIsaac		12/31/2005	Commissioner Saul Gross	12/31/09
Renae	Meltzer		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
		ex-officio member of the Youth Ctr. Adv. Board			
		ex-officio member Golf Advisory Committee			
Helene Owen		ex-officio member of the Beautification Committee			

Applicants	Position/Title	Applicants	Position/Title
Aaron Tandy		Adam Hall	South Beach/Attorney
Alexander Wilmerding		Amy Agnoli	Attorney
Barry Stein	Attorney	Brian Judge	Mortgage Banker
Bryon Richard		David Silva	Business owner
Glenn Dryfoos	Sr. VP and Gen. Counsel	Jonathan Beloff	
Joseph Villari		Joshua Bratter	Partner
Karen Susman		Lewis Dastis	
Marie Towers		Peter Page	
Robert Wilder		Rolando Rodriguez	
Ron Hirschel		Sheila Duffy-Lehrman	TV/Film
Stanley Worton	MD	Steve Lawrence Waserstein	

Board and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7 vote.

Six (6) of which shall be citizens of Miami Beach not in the employment of the city, each having a different vocation;

and three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the city and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department,

Group II shall consist of employees who are in clerical and executive positions,

Group III shall consist of all other employees,

The Personnel Director is a non-voting member.

City Liaison: Mayra Buttacavoli

Vacancy:

To replace Eric
Lamperstein

12/31/2005 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amy	Perry		12/31/2004	City Commission	12/31/09
Diane	Downs		12/31/2004	City Commission	12/31/09
Jack	Bernstein		12/31/2005	City Commission	12/31/06
Orlando	Alvarez, Jr.		12/31/2005	City Commission	12/31/07
Rosalie	Pincus		12/31/2004	City Commission	12/31/05
Jimmy Newton	elected 7/31/03 - exp. 7/31/06 Group III				
Newell Wilder	re-elected 6/18/02 exp. 7/31/05 group I				
Patricia Becerra	re-elected 7/27/01 - exp. 7/31/04 Group II				
T.C. Adderly	Human Resources Director				

Applicants	Position/Title	Applicants	Position/Title
Barbara Woolverton		David Alschuler	Attorney
Iliana Cuba-Gonzalez	Legal Secretary	Jo Asmundsson	
Lee Spiegelman		Maria Roca	

Board and Committees Current Members

Planning Board

Sec. 118-51

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) regular voting members. The voting members shall have considerable experience in general business, land development, land development practices or land use issues.

The board shall at a minimum be comprised of:

one registered architect,

one developer,

one attorney who has considerable experience in land use and zoning issues,

and one person who has education and/or experience in historic preservation issues.

City Liaison: Mercedes Lamazares.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Carlos	Capote	General Business	12/31/2004	City Commission	12/31/04
Jean-Francois	LeJeune	Architect	12/31/2004	City Commission	12/31/04
Jerry	Libbin	General Business	12/31/2005	City Commission	12/31/07
Joy	Malakoff	Historic Pres.	12/31/2005	City Commission	12/31/09
Pablo	Cejas Jr.	Developer	12/31/2005	City Commission	12/31/08
Theodore	Berman	General Business	12/31/2005	City Commission	12/31/09
Victor	Diaz	Attorney	12/31/2005	City Commission	12/31/06

Applicants	Position/Title	Applicants	Position/Title
Alan Tempkins	Attorney	Alex David	
Alfredo Sanchez	Architect/Partner	Amy Agnoli	Attorney
Anthony Guerra		Augusto Maxwell	retired attorney/SB/Landuse an
Bernie Navarro	Finance/Business	Brian Judge	Mortgage Banker
Clayton Clavette	Real Estate	Colleen Martin	Attorney
Daniel Pearson	Finance/PR	Frank Anmirata	Certified General Contractor
Frank Kruszewski		Gary Knight	
Gilbert Squires		Gustavo Dezendegui	Attorney
Jack Bernstein	Real Estate	Jason Hagopian	
Jason Loeb	Real Estate/Retail	Jeffrey Cohen	
Joe Fontana	Retired	Jorge Rodriguez-Chomat	CPA/Attorney
Joshua Levy	Law Partner	Lazaro Martinez	Real Estate Broker
Lee Spiegelman		Leonora Rodriguez-Chomat	Teacher
Lillian Ser	Attorney	Louis Martinez	
Mark Muhlrud		Marta Martinez-Aleman	
Michael Gongora	Attorney	Minette Benson	Knowledge in planning process
P. Eaton		Rafael Suarez-Rivas	Attorney
Robert Arkin	Real Estate	Rony Curvelo	Journalist
Scott Mitchell	Attorney	Shareef Malnik	Business Owner
Steve Lawrence Waserstein		Steven Kozlowski	
Ted Baker		Theresa D'Amico	Interior Designer
William Gonzalez			

Board and Committees Current Members

Police Citizens Relations Committee

Sec. 2-190.36

Composition:

The committee shall consist of seventeen (17) members, fourteen (14) of whom shall be voting members.

The members shall be direct appointments with the Mayor and City Commissioners, each making two (2) individual appointments.

One (1) non-voting ex-officio member shall be from the non-administrative personnel of the police department selected by a majority vote of the non administrative personnel.

Two (2) additional non-voting ex-officio members shall be the police chief (or a designee) and the city attorney (or a designee).

The chairperson of the committee or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

The Police/Citizen Relations Committee shall be assigned to the Police Department.

Recommendations for appointment to all voting and non-voting membership selected by the Mayor and Commission shall be obtained from;

the Spanish American League Against Discrimination (S.A.L.A.D.); the League of United Latin American Citizens (L.U.L.A.,C.]; The Anti-Defamation League, (A.D.L.);

The Dade ActionPac; the National Association for the Advancement of Colored People (NAACP);

the League of Women's Voters,

and any other organizations deemed appropriate.

The voting members of the committee shall have knowledge of and interest in Police Community Relations and their impact on the City of Miami Beach.

City Liaison: Chief Donald Delucca

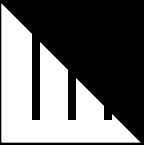
Vacancy:

Claire Warren TL 12/31/08
Rachel Umlas TL 12/31/07

12/31/2005 Commissioner Matti H. Bower
12/31/2005 Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Brad	Krassner		12/31/2004	Commissioner Saul Gross	12/31/10
Carl	Zablotny		12/31/2005	Mayor David Dermer	12/31/09
Faye	Goldin		12/31/2005	Commissioner Matti H. Bower	12/31/10
Frank	Kruszewski		12/31/2005	Commissioner Jose Smith	12/31/09
Hans	Bratt		12/31/2005	Commissioner Simon Cruz	12/31/10
Jonathan	Beloff		12/31/2004	Commissioner Richard L. Steinberg	12/31/10
Kathy	Wolfarth		12/31/2004	Commissioner Richard L. Steinberg	12/31/08
Luis	Norda		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/05
Michael	Finesilver		12/31/2005	Mayor David Dermer	12/31/05
Micky	Ross		12/31/2004	Commissioner Jose Smith	12/31/09
Regina	Suarez		12/31/2004	Commissioner Saul Gross	12/31/09
Sharon	Kersten		12/31/2004	Commissioner Simon Cruz	12/31/07
Alan Weisberg	City Attorney designee				
Dennis Ward	Non-adm. Personnel of the PD				



Board and Committees Current Members

Donald DeLucca

Police Chief

Applicants	Position/Title	Applicants	Position/Title
Aaron Tandy		Alberto Muhtar	
Brad Fleet		Carla Datorre	
Glenn Dryfoos	Sr. VP and Gen. Counsel	Grace Mallah	
Joe Pallant		Jose Heres	
Joseph Biglin	To help others	Joseph Posnick	
Karl Kennedy		Luis Herrera	President
Maria Guitian	Attorney	Michael Alvarez	Marketing/Personnel
Michael Rosenbaum		Natascia Ayers Deshayes	
Nick Pietrocarlo		Nikki Bickley	Exec. Assistant
Philip De La Roza		Phillip Hudson III	
Rosalie Pincus	College Counselor	Shelly Bell	
Stephen Cypen		Thomas Bellucci	
Todd Tauffest	Finance/Real Estate	Victor Bao	Travel, tourism and marketing

Board and Committees Current Members

Production Industry Council

Sec. 2-71

Composition:

The council shall consist of seven (7) voting members, the Mayor and each Commissioner shall make one direct appointment.

All regular members shall have knowledge of the fashion, film, new media, production, television and or recording industries of the city.

Each of the six (6) industries shall be represented by at least one member, but no more than three (3) members, who are directly involved with that industry.

City Liaison: Dennis Leyva

Vacancy:

Howard Goldman TL 12/31/09

Production 12/31/2003 Commissioner Matti H. Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Lisa	Cole	Public Relations	12/31/2004	Commissioner Saul Gross	12/31/08
Nikos	Prantzios	Production	12/31/2004	Mayor David Dermer	12/31/09
Pamela	Gardiner	At-Large	12/31/2004	Commissioner Richard L. Steinberg	12/31/05
Sheila	Duffy-Lehrman	Television/Film	12/31/2005	Commissioner Simon Cruz	12/31/09
Tammy	Green	Fashion	12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/07
Totty	Saizarbitoria	Music	12/31/2005	Commissioner Jose Smith	12/31/07

Applicants	Position/Title	Applicants	Position/Title
Alexander Wilmerding	New Media	Cristina LaBuzetta	
David Doepel	Production	Greg Scheinman	TV Producer
Joanne Butcher	Film/Production	Keith Hartley	
Mark Muhirad	Owner/Manager	Michel Vega	
Vivian Gonzalez-Doyle	Journalist		

Board and Committees Current Members

Public Safety Advisory Committee

2002-24765

Composition:

The Committee shall be constituted for a period of one (1) year with the Commission opting to extend this period at the conclusion of the one (1) year in which the Committee has met.

The committee shall be composed of;

seven (7) members who shall be direct appointees by the Mayor and City Commissioners.

Each member shall be a resident or a representative or member of the business community.

The Committee will act as policy advisers in the area of community and public safety for both the City Commission and the Administration.

City Liaisons: Chief Don DeLucca and Chief Floyd Jordan.

Vacancy:

To replace Bruce Reich

12/31/2005 Mayor David Dermer

Tony Rodriguez TL 12/31/09

12/31/2005 Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Frank	Schwartz		12/31/2005	Commissioner Richard L. Steinberg	12/31/10
Jose	Manzanares		12/31/2004	Commissioner Simon Cruz	12/31/10
Manuel	Diaz, Jr.		12/31/2004	Commissioner Matti H. Bower	12/31/09
Mark	Weithorn		12/31/2005	Commissioner Saul Gross	12/31/09
Ronald	Rosenbaum		12/31/2005	Commissioner Jose Smith	12/31/11

Applicants	Position/Title	Applicants	Position/Title
Aaron Tandy		Brian Giller	
Cemal Egilmez		Jane Vasiliou	
Joseph Biglin	To help others	Luis Herrera	President
Raul Gorfinkel		Ronald Rosenbaum	
Vincent DeLoach			

Board and Committees Current Members

Safety Committee

Sec. 2-176

Composition:

Committee consists of fourteen (14) members who shall be direct appointments, two (2) appointments shall be made by the Mayor and each Commissioner.

The members shall have knowledge of and interest in the safety of the citizens of the city. City

Liaison: Ron Caplan

Vacancy:

To replace Norman Giller	12/31/2005	Commissioner Richard L. Steinberg
To replace Alfredo Sanchez	12/31/2004	Commissioner Matti H. Bower
To replace Ginny Simon	12/31/2004	Commissioner Saul Gross
To replace Manuel Warszawski	12/31/2005	Mayor David Dermer
To replace Phillip Hudson III	12/31/2004	Commissioner Simon Cruz

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Antonio	Purrinos		12/31/2005	Commissioner Simon Cruz	12/31/08
Benjamin	Brody		12/31/2005	Commissioner Matti H. Bower	12/31/08
Carla	Datorre		12/31/2005	Commissioner Richard L. Steinberg	12/31/09
Daniel	Vaisman		12/31/2005	Commissioner Jose Smith	12/31/09
Eugenio	Martinez		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/09
Gertrude	Arfa		12/31/2004	Commissioner Luis R. Garcia, Jr.	12/31/09
Mitchell	Korus		12/31/2005	Commissioner Saul Gross	12/31/09
Silvia	Rotbart		12/31/2004	Commissioner Jose Smith	12/31/08
Sixto	Sierra		12/31/2004	Mayor David Dermer	12/31/09

Applicants	Position/Title	Applicants	Position/Title
Adam Hall	South Beach /Attorney	Barry Stein	Attorney
Craig Berko		Edward Barberio	
Frank Schwartz		Jane Hayes	
Jose Heres		Jose Manzanares	
Luciano "Lucky" Llanos		Manuel Diaz, Jr.	
Marc Lichtman		Mark Weithorn	
Robin Lea		Stephen Cypen	
Zeiven Beitchman	Phsycologist		

Board and Committees Current Members

Transportation and Parking Committee

Sec. 2-190.91

Composition:

Committee shall consist of nineteen (19) members.

The Mayor and City Commissioners shall each make one (1) appointment, with the other members of the committee to be composed of members from the following community organizations, each of which must designate a permanent coordinating representative:

- 1) Miami Beach Chamber of Commerce's Transportation and Parking Committee,
- 2) Miami Beach Development Corporation,
- 3) Ocean Dr. Association,
- 4) Washington Ave Task Force,
- 5) Miami Design Preservation League,
- 6) North Beach Development Corporation,
- 7) Mid-Beach Community Association,
- 8) South Pointe Adv. Board to the Red. Agency, (dissolved by RDA Res. No. 443-2003.
- 9) Lincoln Rd Marketing, Inc.,
- 10) Miami Beach Transportation Management Assoc.
- 11) Miami Beach Convention Center/TOPA (SMG); and
- 12) Middle Beach Partnership, Inc. d/b/a 41st Street-Middle Beach Partnership.

A member of the City administration, the City of Miami Beach Parking Director, and Transportation Coordinator shall serve as non-voting ex-officio members.

On an annual basis, the members of the committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the committee.

The members of the voting committee shall have knowledge of and interest in Transportation and Parking and their impact on the City of Miami Beach.

The members of the board shall be officially designated by their respective organization, and letters certifying that designation shall be forwarded to the Miami Beach City Clerk.

City Liaison: Saul Frances

Vacancy:

	To replace Gary Knight	12/31/2004	Commissioner Matti H. Bower
Tamra Sheffman	TL 12/31/09	12/31/2005	Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alan	Fishman		12/31/2005	Commissioner Richard L. Steinberg	12/31/10
Minette	Benson		12/31/2004	Commissioner Jose Smith	12/31/08
Ron	Bernesky		12/31/2005	Commissioner Simon Cruz	12/31/10
Stephen	Nostrand		12/31/2005	Commissioner Saul Gross	12/31/07
Steven	Kozlowski		12/31/2004	Mayor David Dermer	12/31/10
		Rep. for Washington Ave. Task Force			
		ex-officio member of City Administration			
Delvin Fruit		Rep. Middle Beach Home Owner's Assoc. - 12/31/03			
Erika Brigham		Rep. MDPL - 12/31/03			
Gerald Schwartz		Rep. For MBCC 12/31/04			
Howie Gross		Rep. For NBDC 12/31/03			
Jeffrey Bradley		Rep. for MBCDC 12/31/04			



Board and Committees Current Members

Judy Evans	Rep. For MBTA 12/31/03
Marlo Courtney	Rep. For the Ocean Dr. Imp. Assoc. 12/31/2004
Martin Hyman	Rep. For Middle Beach Partnership 12/31/2003
Robert Warren	Rep. Lincoln Road Marketing Assoc. 12/31/03
Saul Frances	ex-officio, Parking Director
Steve Clark	Rep. For the MB Conv. Ctr./TOPA (SMG) 12/31/03

Applicants	Position/Title	Applicants	Position/Title
Bernice Martinez		Brad Fleet	
Cesar Garcia-Pons		Dana Kaufman	Attorney/CPA/Real Estate
David Silva	Business owner	Eric Lampinstein	Chiropractor
Esther Amador		Frank Kruszewski	
Harriet Feuerman		Ines Flax	
Jeffrey Cohen		Judith Berson-Levinson	Designer/Real Estate
Karl Kennedy		Kenneth Carsto	
Laurence Schatz	Senior Vice-President	Marlo Courtney	
Mitchell Korus	Realtor	Navin Ramani	Consultant
Nikos Prantzios	Consultant	Roymi Membiela	
Stanley Worton	MD	Stephen Cypen	
Stephen Nostrand		Su Rudy	Designer/Decorator
Zeiven Beitchman	Phsycologist		

Board and Committees Current Members

Visitor and Convention Authority

Sec. 102-246

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) member who shall be permanent residents of Miami-Dade County.

The seven (7) members of the authority shall be representative of the community as follows:

1) Not less than two (2) nor more than three (3) members shall be representative of the hotel industry;

2) and the remaining members none of whom shall be representative of the hotel industry, shall represent the community at-large. Any member of the authority or employee therefore violating or failing to comply with provisions of this article shall be deem to have vacated his office or position.

City Liaison: Grisette Roque.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Elsie	Howard	At-Large	12/31/2004	City Commission	12/31/04
Jeff	Lehman	Hotel Industry	12/31/2004	City Commission	12/31/05
Leslie	Zigel	Attorney	12/31/2005	City Commission	12/31/06
Melanie	Muss	Hotel Industry	12/31/2005	City Commission	12/31/09
Orlando	Velazquez Jr.,	Hotel	12/31/2005	City Commission	12/31/06
Stephen	Hertz	At-Large	12/31/2005	City Commission	12/31/07
Steven	Haas	General Manager	12/31/2004	City Commission	12/31/08

Applicants	Position/Title	Applicants	Position/Title
Anthony Guerra		Alberto Rodriguez	
Brian Kraus	General Mgr/Hotel Operator	Barbara Gillman	General Business/Art Galley
Edith Serrano-Malnik		Diane Star Heller	
Gustavo Dezendegui	Attorney	Gerald Mitkowsky	
Henri Spiegel	Attorney	Harriet Feuerman	
Jeffrey Cohen		Jeff Bechdel	
Jose Manzanares		Jorge Rodriguez-Chomat	Attorney/CPA
Maria Diez		Lourdes Alfonso	
Matthew Krieger	Pres. Publisher/Attorney	Maria Roca	
Mitchell Korus	General Business/Real Estate	Michael Francis	
Nikki Bickley	Exec. Assistant	Navin Ramani	Consultant
Shelly Bell		Renae Meltzer	Attorney
Terry Granot	BA in Economics/VP Investment Firm	Stanley Shapiro	
		Victor Bao	Travel, Tourism and Marketing

Board and Committees Current Members

Youth Center Advisory Board

Sec. 2-186

Composition:

The board shall consist of ten (10) members, seven (7) of whom shall be voting members affiliated with the Scott Rakow Youth Center. Two (2) student resident users of the facility shall serve as non-voting ex-officio members; one (1) of these student users must attend a middle school, and the other must attend a high school. The director of the office of children's affairs shall serve as a non-voting ex-officio member. The chairperson of the Youth Center Advisory Board or his designee shall serve as a non-voting, ex-officio member of the Recreational Centers and Parks Facilities Board, to be renamed the Parks and Recreational Facilities Board.

City Liaison: Ellen Vargas

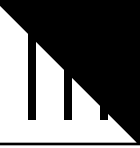
Vacancy:

Laura (Atara) Eig	TL 12/31/10	12/31/2005	Commissioner Simon Cruz
	To replace Amy Agnoli	12/31/2005	Commissioner Saul Gross
	To replace Luis Salom	12/31/2004	Commissioner Luis R. Garcia, Jr.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dennis	Bruce		12/31/2005	Commissioner Matti H. Bower	12/31/09
Ellen	Peterson		12/31/2004	Commissioner Richard L. Steinberg	12/31/08
Lisa	Austin		12/31/2004	Mayor David Dermer	12/31/06
Moni	Cohen		12/31/2005	Commissioner Jose Smith	12/31/08
		ex-officio student res. of a (High School)			
		ex-officio student res. of a (Middle School)			
Maria Ruiz		ex-officio Dir. of Children's Affairs			

Applicants	Position/Title	Applicants	Position/Title
Alexander Wilmerding		Carl Linder	Attorney
Eliana Poveda-Stone		Laura (Atara) Eig	
Leslie Rosenfeld		Romy Jurado	



NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- **Miami Beach Transportation Management Association (TMA)**
- **Dade Cultural Alliance**
- **Tourist Development Council**
- **Performing Arts Center Trust (PACT)**

Commissioner Luis R. Garcia, Jr.

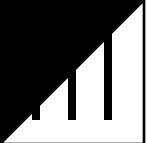
- **Unclassified Employees and Elected Officials Retirement System**
- **Greater Miami Convention and Visitors Bureau**

Commissioner Jose Smith

- **Metropolitan Planning Organization**

Commissioner Richard L. Steinberg

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**



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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

FROM: SIMON CRUZ 
COMMISSIONER

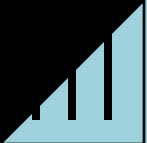
DATE: JANUARY 5, 2004

RE: AGENDA ITEM

Please place on the January 14th, 2004 City Commission Agenda for discussion, the possibility of giving Consulates stationed in Miami-Dade County parking permits. This request came to me by the Consulate General of Spain.

SC/ml

Agenda Item R9B
Date 2-25-04



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C:
Vivian
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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner *Saul*

DATE: January 28, 2004

RE: Agenda Item - Effectiveness of Homeless Initiative

Please place on the February 4th Commission meeting agenda a report from the administration on how the additional homeless monies appropriated by the Commission in the last budget have been used, and how effective the money has been.

SG/ma

01 JAN 28 PM 4:27
OFFICE
OF THE
COMMISSIONER

Agenda Item R9C
Date 2-25-04



CITY OF MIAMI BEACH
Office of the City Manager

Letter to Commission No. 045-2004

To: Mayor David Dermer and
Members of the City Commission

Date: February 20, 2004

From: Jorge M. Gonzalez
City Manager

Subject: QUALITY OF LIFE AND HOMELESS OUTREACH INITIATIVE

The purpose of this Letter to Commission is to provide information and current results on recent Quality of Life and Homeless Outreach Initiative over the past four months.

The Commission has expressed the desire to improve the impact of city services on the quality of life of Miami Beach residents. Since many conditions affect both the real and perceived quality of life, city administration has taken action to focus and coordinate city resources on an array of quality of life issues including parking, infrastructure, transportation, appearance and use of public areas, and public safety.

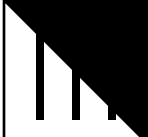
While long-term and complex issues move to resolution, the city has been aggressively targeting conditions which directly affect many of the city's residents and visitors – noise, aggressive driving, vagrancy, prostitution, panhandling, and cleanliness and rehabilitation of public areas. Outreach to the homeless, whether homeless by choice or by circumstance, has been intensified.

In addition, city departments are refining internal processes, redirecting resources and developing feedback systems to evaluate ongoing operations and their capability to effect positive impact on quality of life issues. Long-term strategies may include recommendations for legislative changes.

Summary of Strategies Used to Date

City departments have been encouraged to experiment with new approaches to delivery of services affecting quality of life issues. Some efforts have succeeded and are being further refined and enhanced, while some have been discontinued in favor of other approaches.

Combined Operations: In October 2003, four departments initiated a collaborative effort to reverse what appeared to be emerging trends related to prostitution, graffiti, illegal activities, and the results of after-hours use of parks and the beaches. The Police, Public Works, Parks and Recreation, and Neighborhood Services departments focused their resources on curbing after-hours criminal activity in and around parks and the beach, ensuring that parks are safe and clean, strictly enforcing laws and ordinances intended to preserve the quality of life expected by residents and visitors, and intensifying contact and outreach to the homeless.



Between mid-October and December 2003, police officers were put on special details to patrol parks and beaches during late night and early morning hours. Homeless outreach staff were scheduled either to accompany officers or be available to assist officers with placement of homeless during late night and early morning hours. Public works staff were on-call to remove debris from the beaches and public areas.

A number of challenges affected performance of the combined operations effort as it was originally conceived. In December, 2003, department efforts were refocused to favor a special daytime task force.

Special Daytime Task Force: Mirroring early morning and nighttime collaborative efforts, a task force of police, public works/sanitation, code enforcement, and homeless outreach staff jointly visit areas in the city twice a week during daytime. The team's objective is to address the full range of issues present at any given location in order to have the maximum possible impact. Typically, the team addresses homeless individuals at the site, litter, graffiti, landscape, and infrastructure (curb, sidewalks). This approach has been successful in concentrating city resources to make a noticeable impact on targeted areas.

Enforcement: Between mid-October 2003 and January 2004, police allocated law enforcement resources in a variety of ways.

From October through December 2003, special details of overtime police officers augmented late night and early morning shifts, and private security was hired to patrol on bicycles primarily in the Ocean Drive area to augment routine day patrols. In addition, late shifts were changed to provide a four-hour overlap to increase police presence during late night and early morning hours.

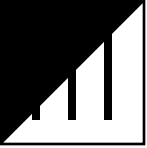
In January 2004, police began using one hour of shift overlap time (three shifts per day) to concentrate law enforcement resources on traffic, parking, quality of life issues and criminal activity in targeted areas throughout the city.

Strategic Investigation Units (SIU) target prostitution and drug activity, and all shifts target aggressive driving and enforce noise ordinances. In addition, police regularly work with drivers and club owners in the entertainment district to voluntarily curb excessive noise.

The police department is pursuing expansion of the city jail to a full-time operation so that officers can return more quickly to patrol and duty assignments after making arrests. Currently, the police department is planning to contract with Miami-Dade County for jailors and transport of prisoners both to the city jail and to the Miami-Dade County jail.

Clean up: Sanitation crews remove litter and debris, maintain and make repairs to city property, and attend to the overall appearance of public areas. In response to outreach efforts by other departments, crews coordinate clean-up and rehabilitation of park and beach areas as requested during non-scheduled work hours and perform intense clean-up and graffiti removal from public property during daylight hours. If necessary, a second quick-react cleaning team performs any extra sanitation work identified by police or others.

Neighborhood Services is pursuing use of the Teen Job Corps to assist in removing graffiti from private property.



Code Compliance: Code Compliance follows up with notices for graffiti removal and issues citations as necessary. Efforts are underway to review and if necessary, revise existing quality of life ordinances.

Neighborhoods: Seven community and environmental events and clean-up efforts have been scheduled in partnership with ECOMB, Miami-Dade County, Teen Job Corps and the Miami Beach Chamber of Commerce to address neighborhood quality of life issues.

Homeless: From October through mid-December 2003, the Neighborhood Services homeless outreach staff adjusted their schedules to be available to assist police with homeless individuals found after hours in parks and on beaches. Initially, outreach staff and police planned to operate as a unit during late nights and early morning hours. That effort did not materialize as planned; so there will be ongoing refinements to ways outreach staff and police can work most effectively with regard to the homeless population.

The outreach team continues to provide referral and transport services to shelters for the homeless during nighttime as well as day hours. In addition, the outreach team pays for relocation and other assistance to aid the homeless as well as locating shelter for animals accompanying homeless individuals who are referred to shelters.

Summary of Results to Date

Special Daytime Task Force: The special daytime task force of police, public works/sanitation, code enforcement and homeless outreach staff has conducted 19 joint visits to areas throughout the city. The task force has successfully resolved over 140 cases related to the homeless, infrastructure, code violations, graffiti, litter and similar issues in the areas they have visited.

Enforcement: From mid-October through mid-December 2003, special late night-early morning police details made 241 quality of life arrests. The special details, Strategic Investigation Units (SIU) and routine day and night shifts made a combined total of 1542 arrests in 21 categories, including arrests for prostitution, various driving and traffic offenses, drug violations, driving under the influence, assaults, violations of city and county ordinances, burglaries, vandalism, robbery, disorderly conduct and intoxication, and panhandling.

From January 12 to February 8, 2004, police made 219 arrests and issued 1437 citations during the three hours of shift overlaps each day (one-hour overlap for each of three shifts per day). During shift overlaps, police targeted criminal activity and quality of life issues in specific areas of the city.

Arrests and Citations During One-Hour Shift Overlaps January 12 to February 8, 2004

Arrests	219	Traffic citations	1437
Felonies	28	Parking	937
Misdemeanors	191		

Homeless Outreach: Over the 78 day period from October 1 to mid-December 2003, the Neighborhood Services homeless outreach team made 1042 contacts with homeless individuals. Of those contacted, outreach staff relocated 11% (116 individuals) and placed 12% (126 individuals) in shelters. Relocations averaged almost 2 people per day.

In January 2004, the outreach team made 421 contacts with homeless individuals, placed 58 people in shelters, and relocated 27 people out of the area.

Outreach staff have assisted homeless individuals in a number of ways: referral for day labor; assistance with identification, work permits, and legal papers; transportation costs; and temporary housing for families. A full report on homeless outreach will be referred to the Finance and Citywide Projects Commission Committee.

Funding

City resources are dedicated primarily to sustaining routine enforcement, sanitation, and maintenance operations. Special operations have been added to intensify response to conditions that compromise the ability of our routine operations to maintain a clean and safe 24-hour environment for our residents and visitors. These special operations have been funded from several sources.

During review and adoption of the budget for FY 2003-04, the City Commission approved use of \$150,000 in resort tax to enhance existing efforts of the homeless outreach program. The outreach team has drawn from these funds to relocate and provide shelter for homeless individuals, hire an additional outreach team in order to expand hours of operation, provide hotel rooms for families, and secure additional beds with new providers. A summary of those expenditures is attached.

Where appropriate, RDA funds available for community policing, and LETF funds available for specific law enforcement programs will be used to fund special operations and activities that increase the city's usual levels of service to the community and positively impact quality of life issues. The Commission recently appropriated \$100,000 from the Police Confiscation Trust Fund budget for fiscal year 2003-04 to fund a 60-day contract with Miami-Dade County for full-time operation of the city's jail and to transport prisoners to the jail for processing and then to transport to the county jail. This will allow police officers to remain on their patrol and duty assignments.

It is my recommendation that this issue be referred to the Finance and Citywide Projects Committee to further discuss and receive direction.

JMG:RCM:MMD/ptw

Attachment



City of Miami Beach
Neighborhood Services Department
Office of Homeless Coordination

Homeless Services:
A Progress Report on Homeless Outreach Efforts
October 2003 – January 2004

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I. Office of Homeless Coordination Overview

Services Provided

The Office of Homeless Coordination provides prevention and intervention services to homeless individuals in the City of Miami Beach. Homelessness is defined by the United States Department of Housing and Urban Development as a person meeting one of the following criteria:

- ◆ Living in a place not meant for human habitation, i.e. street, car, parks, abandoned building, bus station, etc.
- ◆ Living in an emergency shelter
- ◆ Living in transitional or supportive housing (for people coming from the streets or shelter)
- ◆ Living in either a place not meant for human habitation, an emergency shelter, or transitional or supportive housing, but currently in a hospital or institution on a short-term (30 days or less)
- ◆ Being evicted within a week from a private dwelling (and have a certified, legally-binding eviction notice) **and** have no subsequent residence identified **and** no resources and support networks to obtain housing.
- ◆ Being discharged within a week from an institution (prison, hospital, foster care, etc.) having stayed long-term (31 or more days) and housing is not being provided as part of the person's discharge planning **and** have no subsequent residence identified **and** no resources and support networks to obtain housing.
- ◆ Victim of domestic abuse **and** no subsequent residence has been defined **and** no resources and support networks to obtain housing.

Our goal is to end homelessness in our City through collaboration with community-based providers and utilizing the Continuum of Care framework as a means to access services and permanent housing for homeless individuals.

The Office provides the following service to homeless individuals:

- ◆ ***Intake and assessment*** – This enables staff to determine what services are needed and what placement is appropriate to the client.
- ◆ ***Outreach services*** – The Office conducts outreach missions at least twice per week throughout the City to locate and assist homeless individuals who may not otherwise access services.
- ◆ ***Shelter placement*** – The City currently contracts with The Salvation Army and Miami Rescue Mission for shelter beds. The City is currently negotiating to acquire addiction treatment beds from Better Way of Miami, Inc. In addition, when the client is eligible and space is available, the Office facilitates placements at the Miami-Dade County Homeless Assistance Centers (Miami and Homestead), Camillus House and Beckham Hall. When eligible, clients are referred for transitional housing through providers such as Carrfour Supportive Housing.
- ◆ ***Referral services*** – This service enables staff to connect homeless clients with community-based services such as job placement, legal and medical services, counseling and entitlements (such as food stamps, Medicaid, disability payments, etc.).
- ◆ ***Identification services*** – Homeless clients often lack identification which enables them to access services. The Office assists in obtaining birth certificates, Social Security cards, immigration documents, work permits and Florida identification cards.

♦ **Relocation services** – Homeless clients are often stranded in our City after failed employment opportunities, family break-ups or unexpected lay-offs. Our Office provides one-way bus transportation to those clients who have someone at their destination who is willing to provide assistance. In order to ensure that clients can sustain these trips, the Office provides meals for the duration of their travel.

♦ **Storage services** – For those clients who have possessions and have accepted shelter placement, the Office provides storage of their personal effects for the duration of their services.

♦ **Homeless prevention services** – The Office provides emergency rent assistance to families and individuals at risk of homelessness due to eviction proceedings. Through emergency shelter grant funds, the Office has provided rent and deposit assistance as well as relocation assistance. Through this initiative, individuals and families are served prior to becoming homeless.

Funding Sources

The Office of Homeless Coordination currently has several funding sources including:

- ♦ City of Miami Beach General Fund - \$58,725
- ♦ Community Development Block Grant Funds - \$100,568
- ♦ Miami-Dade County Homeless Trust - \$71,193
- ♦ Special Allocation/Resort Tax Funds - \$150,000

City of Miami Beach General Fund – The funds allocated provide for one full-time position (Program Coordinator) and general office expenses such as telephone and office supplies.

Community Development Block Grant Funds – These funds are divided into two functions:

- 1) Emergency/Transitional Housing – (\$71,968) – These funds help pay for shelter services.
- 2) Emergency Rent Assistance – (\$28,600) – These funds provide emergency rent assistance to those facing eviction or transitioning from homelessness to permanent housing.

Miami-Dade County Homeless Trust – These grant funds, scheduled to end June 2004, provide funding for two contracted outreach workers and partial funding for an intake specialist.

Special Allocation/ Resort Tax Funds – These funds have been used to provide:

- 1) Augmented staffing (2 additional outreach/intake workers)
- 2) Additional shelter beds (19 in September 2003 to 41 in October 2003)
- 3) Relocation services (via Greyhound Bus Lines)
- 4) Food (for clients being relocated)
- 5) Storage services (for clients accepting shelter services)
- 6) Transportation tokens (enabling clients to seek work or attend medical/legal/entitlement appointments)
- 7) Identification services (Florida identification and copies of birth certificates and immigration documents)

Reporting Requirements

The Office of Homeless Coordination provides monthly financial and service reports to the Miami-Dade County Homeless Trust and the City of Miami Beach Office of Housing and Economic Development as a condition of receiving grant funds.

II. Service Report Overview

Number of clients contacted

The Office of Homeless Coordination tracks the number of people it serves through client contacts. Client contacts are those exchanges between staff and clients in which either the offer of services or actual services are being provided. The following chart documents client contacts since May 2003.

Month	# of Contacts
May 2003	209
June 2003	397
July 2003	283
August 2003	240
September 2003	105 * (50% staffing)
October 2003	304
November 2003	413
December 2003	414
January 2004	421

The self-reported reasons for homelessness include: loss of employment, unexpected illness, family problems and addiction.

Shelter services

The Office of Homeless Coordination provides emergency shelter for homeless clients accepting services as well as those referred by Miami Beach Police. Shelter placements are the first step in enabling the process of client stabilization. During this time, clients are assessed and the process of establishing a service plan towards permanent housing commences through joint effort between the client, Office and shelter. Typically, this process will include:

- * Ensuring clients have appropriate identification and work documents
- * Applying for appropriate entitlements (disability, Medicaid, etc.)
- * Medical screening (including tuberculosis test)
- * Search and obtainment of employment
- * Access to support services (counseling, Alcoholics Anonymous, etc.)

The following chart documents shelter placements since May 2003. It is important to note that additional funds enabling the acquisition of additional shelter beds were made available in September 2003 and were sustained throughout the remainder of the calendar year with the infusion of Resort Tax dollars.

Month	# of Placements
May 2003	43
June 2003	50
July 2003	23
August 2003	36
September 2003	79
October 2003	55*
November 2003	36*
December 2003	70*
January 2004	58*

* Represents non-duplicated placements of individuals in shelter. In the past, clients may have been placed more than once within a month if they voluntarily left shelter. Clients are now only placed once and provided with support services to ensure success. Clients voluntarily withdrawing from shelter terminate their rights to additional City services.

With enhanced reporting procedures and additional staff, the Office has been able to track placements by gender since October 2003. A review of these statistics identifies the typical homeless person accessing shelter services in our City as male. In general, 31 percent of all shelter placements stay at least seven days. The vast majority of placements remain in shelter for less than seven days either because of voluntary withdrawal or failure to comply to shelter rules.

Month	Male Shelter Placements	Female Shelter Placements
October 2003	39 (71%)	16 (29%)
November 2003	23 (64%)	13 (36%)
December 2003	55 (79%)	15 (21%)
January 2004	48 (82%)	10 (18%)

It is important to note that all placements documented since October 2003 are not duplicated. Since the establishment of case management procedures and adherence to service rules by the United States Department of Housing & Urban Development, no client has withdrawn from shelter and subsequently requested a repeat placement.

The Miami-Dade County Homeless Trust considers shelter placements of seven or more days to be a standard in measuring success. While the City is home to many chronically homeless individuals, the Office has significantly increased the number of shelter placements greater than seven days and thereby eliminating the revolving door to shelter for many homeless. Since April 2003, 31.03 percent of all placements have been for seven or more days. The following depicts new placements (those newly placed within the reporting month) that stayed in shelter seven or more days:

Month	# of Placements > 7 days
October 2003	26
November 2003	12
December 2003	16
January 2004	18

Permanent Housing

The ultimate measure of ending homelessness is ensuring that previously homeless clients access and maintain permanent housing. Through concerted case management efforts that support and guide a client through the *Continuum of Care*, the Office has successfully placed 14 people in permanent housing since October 2003. The following is a breakdown of successful permanent housing placements that represent the end of homelessness for these clients.

Month	# of Placements
October 2003	2
November 2003	4
December 2003	3
January 2004	5

It is important to note that many of those placed in permanent housing since October 2003 are the most difficult to serve: homeless persons with mental health issues.

Relocation Services

The Office of Homeless Assistance has provided relocation services to homeless clients since October 16, 2003. In order to receive relocation assistance, clients must provide a contact at their destination that vouches for the client. This contact is then verified via telephone prior to purchasing a Greyhound Bus Line ticket. Once the bus ticket has been purchased, the client is provided with sufficient meals to cover the duration of his/her travel and then transported to the bus depot by Office staff. The following summary of relocations provided by month and gender demonstrates that males represent a disproportionate share of relocations provided.

Month	Male Relocations	Female Relocations
October 2003	26 (84%)	5 (16%)
November 2003	33 (59%)	23 (41%)
December 2003	35 (88%)	5 (12%)
January 2004	24 (88%)	3 (12%)

Meal Services

Meals are provided to those clients being relocated out of town. Each relocated client receives sufficient meals to cover the duration of his/her travel. Since October 16, 2003 when relocation services began, 154 clients were provided with 766 meals. An average of 4.9 meals were provided to each client served through relocation services.

Transportation Services

In order to seek employment or apply for entitlements or seek assistance from community-based providers, homeless clients are often provided with Miami-Dade County Transit Authority tokens that enable them to access public transportation. The Office has distributed 499 tokens to 104 clients since October 16, 2003.

Support Services

Homeless clients have unique needs that create a barrier to accessing services to end homelessness. The first of these is the absence of natural support networks. The second is the marginalization within society that is derived from isolation, lack of identification, and deprivation of human needs.

Homeless clients have a variety of basic needs: shelter, food, clothing, access to medical and mental health care, and employment among others. Through an integrated referral network, the Office of Homeless Coordination refers homeless clients to community-based providers to access needed services. Among the network of providers are: Miami Beach Community Health Center, Jewish Community Services, Legal Services of Greater Miami, Ayuda, Miami Beach Hispanic Community Center, Social Security Administration, Miami Beach Community Development Corporation and the Florida Department of Children and Families.

The following is a summary of formal referrals made on behalf of homeless clients since October 2003:

Month	# of Referrals
October 2003	37
November 2003	42
December 2003	38
January 2004	19

In addition to agency referrals, the Office of Homeless Coordination provides case management services to all clients accepting shelter placement. With this effort, clients are guided through the *Continuum of Care* to ensure that they stabilize, receive medical, legal and mental health assessments, seek employment and/or entitlements, and have a personal strategy to end their homelessness and gain permanent housing.

The following chart depicts the case management loads for the Office of Homeless Coordination:

Month	Client Caseload
October 2003	62
November 2003	75
December 2003	112
January 2004	88

III. Staffing Report

Staff Levels

The Office of Homeless Coordination has one full-time City employee and contracts additional staff. The Office of Homeless Coordination is manned by the following:

# - Position Title	Primary Function	Funding Source
1 - Program Coordinator	Day-to-day program management	General Fund
1 - Intake Specialist	Maintains client data and generates reports to Miami-Dade County Trust	Miami-Dade County Homeless Trust/Resort Tax
2 - Outreach Workers	Outreach and intake of homeless clients	Miami-Dade County Homeless Trust
2 - Outreach Workers	Outreach and intake of homeless clients	Resort Tax

Since the flow of those seeking services often peaks unexpectedly, staff from other divisions has been diverted when necessary to ensure that all clients seeking assistance are processed in a timely manner. The following staff provides assistance to the Office of Homeless Coordination when demand requires it:

# - Position Title	Primary Function	Funding Source
1 - Intake Specialist (100%)	Intake of homeless clients	Office of Children's Affairs/ General Fund
1 - Outreach Worker (20%)	Outreach and intake of homeless clients	Office of Children's Affairs/ General Fund

In addition to paid staff, the Office has entered into a partnership with various secondary education institutions to have non-paid interns. While those placements from Miami-Dade Community College and Florida International University have negligible long-term impact because of the short duration of their stay (typically eight hours), the interns from Barry University's School of Social Work provide a consistent and significant presence.

# - Position Title	Primary Function	Weekly Hours Provided
3 – Social Work Interns	Intake and case management of homeless clients	20 hours each

The purchasing, contract management and payroll functions for the Office of Homeless Coordination are provided by the Office of Children's Affairs.

Staffing Requirements

The provision of services to homeless clients is time-consuming. In addition to the time spent on outreach, homeless clients face a set of challenges that can range from lack of identification and unemployment to mental health issues and addiction. As such, they tend to require more staff time than clients served through other divisions. In many cases, services are contingent upon the availability of the services provider (i.e., Department of Motor Vehicles, Social Security Administration, etc.).

The following chart documents the average length of time spent on each service provided by client:

Service Provided/Frequency	# of Staff Needed	Average Length of Time
Intake & assessment/ Once	1	1.5 hours
Relocation assistance/ Once	2	2.25 hours
Shelter placement/ Once	2	2.0 hours
Identification services (w/appointment @ DMV)/ Once	2	2.0 hours
Entitlements application (w/ appointment)/ Once	2	2.0 hours
Case management/ Weekly	1	0.50 hours

IV. Financial Report

Shelter Costs

The City contracts with two providers for emergency shelter services: The Salvation Army and Miami Rescue Mission. Clients placed with these providers must sign a form acknowledging the rules and conditions for their shelter. Emergency shelter placements typically range in duration from one night to up to six months, depending on the client's stability and availability of transitional housing. Shelters typically provide clothing, three meals a day and needed toiletries. Case management is a separate service which typically doubles the daily bed cost. We currently do not contract for case management services for our shelter beds.

Currently, the City pays a guaranteed rate of \$15.00 per bed, per night at the Miami Rescue Mission. These are beds exclusively for homeless males. The Miami Rescue Mission accepts placements from 7am until 5pm. Our current capacity is 10 beds. Typically, we utilize these beds for Police Department referrals and males beginning services with the Office. The monthly cost for the Miami Rescue Mission is \$4,500.

The City contracts with The Salvation Army at a guaranteed rate of \$15.45 per bed, per night. These beds can be managed for males, females and families. The Salvation Army accepts placements 24 hours per day. Our current capacity (when the ratios are maximized) is 31 beds. Typically, we utilize The Salvation Army for female and family placements as well as those males that have been stabilized and are progressing who

had been originally placed at the Miami Rescue Mission. Our monthly cost for The Salvation Army is \$14,369.

The total monthly cost for 41 beds is \$18,869.

Relocation Costs

Since October 16, 2003, we have provided 154 homeless clients with relocation services. Thus far, the Office has documented only five relocation returnees (less than 3.2 percent). The following is a summary of the top six cities to where clients have been relocated representing 27 percent of all relocations.

City	# of Relocations
Atlanta, GA	9
Philadelphia, PA	8
New York City, NY	7
Washington, DC	6
Orlando, FL	6
Los Angeles, CA	6

The following is a summary of the top five states to where clients have been relocated representing 44 percent of all relocations.

State	# of Relocations
Florida	23
California	13
New York	13
Pennsylvania	10
Georgia	9

Our City's warm client, plentiful tourist supply and abundant restaurants and hotels make it a desirable place for the homeless. Conditions in our City make it easier for homeless individuals to survive because of our geographical location (the warm South) and community assets (tourists that can be panhandles, garbage dumpsters with plentiful food, and sandy beaches to sleep).

The City's cost since October 16, 2003 to provide relocation services has been \$16,065.50 or an average of \$104.32 per client.

In addition to providing the bus ticket for relocation, the Office provides clients with sufficient meals to cover the duration of their travel. Since October 16, 2003, the Office has provided 766 meals to 154 clients at a cost of \$1,333.44 or \$8.65 per client.

Storage Costs

The cost of maintaining a storage space for the possessions of homeless clients placed in shelter is \$118.35 per month.

Transportation Costs

Through thorough intake and case management processes, the Office has actively sought to reduce the costs associated with transportation tokens by encouraging clients to apply for county assistance. From October through December 2003, the Office has distributed 422 tokens to 90 clients. Here is a breakdown of this distribution:

Month	# of Clients Provided Tokens	# of Tokens Distributed
October 2003	33	152
November 2003	44	232
December 2003	13*	40*
January 2004	14	75

** Token supplies were depleted and could not be filled in a timely manner.*

While tokens typically cost \$1.00 each, we have not expended any funds for tokens since October 2003. However, we do anticipate the likelihood of purchasing monthly bus passes for employed clients seeking transition to permanent housing.

Identification and Support Service Costs

Many homeless clients lack identification and necessary legal documents to access shelter, employment or entitlements. Emergency shelters will not accept anyone for placement without valid photo identification. Furthermore, without appropriate documentation and support documents, homeless individuals cannot apply for entitlements or other community-based assistance.

Since October 16, 2003, the Office has assisted 24 homeless clients in obtaining birth certificates, photo identification, work permits and travel documents (passports/visas) at a cost of \$441.99.

Staffing Costs

The Office has expended \$25,003.26 to hire additional contracted staff to assist with the increase in demand for relocation assistance and shelter placement. As a result, the City has established two, full-time outreach teams to enable the simultaneous services of outreach, shelter placement and relocation while maintaining full office hours for walk-in clients seeking assistance. The increase of more than 2,480 man-hours enabled the office to process more clients more quickly and deterred the refusal of services.

V. Progress Evaluation

Process & Accountability

Since September 2003, the Office of Homeless Coordination has streamlined the intake and placement procedures while establishing methods of accountability throughout all aspects of its operations. Complete client histories are now maintained which include:

- * Completed intake forms
- * Copies of identification
- * Services history

- * Longitudinal case notes
- * Service plan

In anticipation of the eventual implementation of the Miami-Dade County Homeless Trust's *Homeless Management Information System*, the Office has established a database documenting all contacts, shelter placements, relocations and services provided.

The Homeless Census of April 2003 identified 384 homeless persons in our City. The Homeless Census of December 2003 (conducted immediately after the FTAA) showed a significant decline to only 304 homeless persons. (It is important to note that at least five homeless persons were counted twice but the census pages had been certified when the error was noted). Therefore, since the implementation of the additional outreach and service efforts, the City has experienced a 21 percent reduction in its homeless population. It is important to note that this reduction is being experienced during the winter – the peak time for homelessness in our City.

Customer Service

Ensuring that all clients receive services in an effective, accountable and professional manner, the Office has focused efforts on improving service delivery from the clients' viewpoints. We have established fixed office hours, established dates and times for specific services and improved our response time to calls received via the Homeless Hotline.

We now distribute *Client Satisfaction Surveys* to all clients served in order to gauge our effectiveness and customer service. The Office forwards these surveys to the Miami-Dade County Homeless Trust as a means of reporting service quality among outreach service providers. Our customer service ratings have consistently exceeded 60.0 (on a 66.0 scale) since June 2003.

Staffing

While the General Fund supports one full-time position, the Office of Homeless Coordination has had a staffing level of three workers since October 2002 funded by grants. Its grant with the Miami-Dade County Homeless Trust requires a minimum staffing level of four people (including the City-funded position).

In October 2003, with the infusion of additional funds allocated through the Resort Tax, additional staff members were contracted to adequately process the influx of homeless persons seeking relocation assistance and shelter services. At one point in November 2003, the Office had six contracted staffers to meet the burgeoning requests for services in addition to 1.5 staffers on loan from the Office of Children's Affairs.

Because of the inherent turnover rate in the field and the contracted nature of our staff, we have had some difficulty in sustaining consistent staffing levels. As of January 1, 2004, the Office has service agreements with five contractors to provide outreach and intake services. The contractors' rates vary from \$9.81 to \$15.00 per hour depending on the scope of services provided.

It is necessary that a total staff of five people be retained to maintain existing service levels at a cost of \$66,560 for the remainder of the fiscal year.

Shelter Services

There are several issues associated with the provision of shelter services. Among these:

- * Having beds available for those voluntarily seeking shelter (males, females and families)
- * Having beds available for those who would otherwise be arrested for life-sustaining activities
- * Managing available beds to minimize the number of unused, vacant beds while considering the need for police-referred beds

The Office has sought to maximize its bed inventory by actively using case management to effectively and efficiently move people through the *Continuum of Care* to appropriate transitional or permanent housing. The Office has used the beds at Miami Rescue Mission to serve males accessing services for the first time as well as maintain bed vacancies enabling the Police Department to make bona fide offers of shelter in exchange for not arresting those guilty of life-sustaining offenses, i.e. sleeping in parks, impeding the public right-of-way, etc. The beds at The Salvation Army have been used to house females and families and those male clients who have shown progress while at the Miami Rescue Mission.

Based on service levels and clearance rates for the past three months, it is recommended that the City maintain existing bed levels (41) and to add five (5) addiction treatment beds. The addition of treatment beds will enable the Office to address the needs of those homeless persons whose addictions pose an obstacle to ending homelessness. Better Way of Miami, Inc. is available to provide treatment beds at a cost of \$40 per day, per bed. Unlike traditional emergency shelter beds, three of these treatment beds do not have to be guaranteed meaning that the City would pay only when the bed is filled.

The amount necessary for the provision of 46 emergency shelter beds for the remainder of the fiscal year is \$200,552 or \$25,069 per month.

Relocation Services

Within the first three month of initiating this service, the Office relocated 154 homeless people at an average cost of \$104.32. The subsequent demand for this service should subside somewhat because of the high volume of people originally relocated. Once a person receives relocation assistance, he/she is no longer eligible to receive this service in the future.

We have encountered a unique problem as a result of this service: homeless individuals from other municipalities have attempted to access the City's relocation services. In response to this additional concern, the Office further scrutinizes clients seeking relocation services to ascertain that only Miami Beach homeless persons are provided with this service.

In light of past usage and the subsequent anticipated reduction in demand for this service, it is necessary to allocate \$41,464 for this service enabling the Office to serve an average of 42 homeless persons per month for the next nine months or a total of \$52,577.28 per year.

Additionally, it necessary to fund \$4,360 for food to enable the provision of meals to those being relocated.

Additional Infrastructure Costs

The transportation of clients from outreach sites to the office, shelters and other service points is a key logistical issue for the Office of Homeless Coordination. The existing sedan, which was a surplus vehicle at the time of acquisition last year, has had significant down time because of repeated breakdowns. While we have redirected an old fleet vehicle from the Log Cabin Training Center, the Office needs at least two reliable vehicles in order to maintain service functions and the efficacy of processing clients.

As such, it is necessary to purchase a new vehicle/sedan at a cost of \$13,083. The cost for vehicle operation will be extended to the Miami-Dade County Homeless Trust grant.

Many of homeless clients lack personal identification which prohibits them from access to shelter and support services. As such, since this is a threshold barrier to ending homelessness, the Office is seeking funds to enable the provision of identification, birth certificates and employment documents. **An additional \$2,160 is necessary for the identification and replacement document costs and will enable us to serve an average of 10 clients per month.**

Expense Summary

Item/Service	Expense to Date (10/03 – 01/04)	Remaining Projected Expenses to maintain 1st Quarter Services Levels* (02/04 – 09/30)	Annual Cost	Unfunded Balance
Staffing 1	\$40,445	\$66,560	\$107,005	\$66,560
Shelter 2	\$75,476	\$200,552	\$276,028	\$128,584**
Relocation Services 3	\$16,065	\$41,464	\$57,529	\$41,464
Food for Relocations 4	\$1,333	\$4,360	\$5,693	\$4,360
Vehicle 5	-	\$13,083	\$13,083	\$13,083
Identification/Documents 6	\$442	\$2,160	\$2,602	\$2,160
TOTALS	\$133,761	\$328,179	\$461,940	\$256,211

** These are projected amounts to maintain existing service levels from 02/02 through 09/04.*

*** The unfunded balance reflects \$71,968 in CDBG funds which are budgeted but yet to be expended.*

1 – This represents a total staff of five people (including Program Coordinator).

2 - The amount represents 41 emergency shelter beds and 5 treatment beds for a total of 46 beds.

3 – Projecting to serve an average of 42 homeless persons per month.

4 - The meals are provided solely to those clients receiving relocation services.

5 – This is the projected cost for a sedan to replace the existing vehicle that is experiencing multiple down days each month.

6 – These funds will enable the Office to serve an average of 10 clients per month with Florida identification cards, birth certificates and work permits.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A DISCUSSION BY THE MAYOR AND CITY COMMISSION ON AMENDING THE CITY'S 2004 STATE LEGISLATIVE AGENDA TO INCLUDE AN ITEM THAT SUPPORTS LEGISLATION THAT DESIGNATES A STATE ROAD IN MIAMI BEACH AS "MIAMI BEACH ALL AMERICA CITY BOULEVARD".**

ANALYSIS:

On June 14, 2003, Miami Beach was selected by the National Civic League as one of ten All America Cities. The All-America City Award, a 54-year-old program of the National Civic League recognizing civic excellence, annually honors 10 communities that best exemplify the spirit of grassroots citizen involvement and cross-sector collaborative problem solving.

The City of South Miami was selected as an All America City in 2002. On June 2, 2003, Governor Jeb Bush signed into law Senate Bill 2162, related to road designations. Included in this bill was the following language:

Section 9. "South Miami All-American Parkway" designation.—

- (1) U.S. 1 from 57th Avenue to S.W. 80th Street in Miami-Dade County is designated as "South Miami All-American parkway."
- (2) The Department of Transportation is directed to erect suitable markers designating "South Miami All-American Parkway" as described in subsection (1).

The City has the opportunity to support legislation that designates a state road within the City as "Miami Beach All-America City Boulevard" during the 2004 legislative session that begins on March 3.

JMG/^{ue}CMC/KC

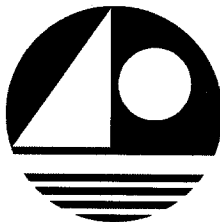
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Agenda Item R9D

Date 2-25-04

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

DATE: FEBRUARY 12, 2004

RE: AGENDA ITEM

Representatives from Save Dade have requested that the City of Miami Beach allow the following three criteria to be added to the existing City's human rights ordinance.

1. To expand the current domestic partner registry to include all Miami Beach residents, not just its employees and further to have the City Clerk's office carry out the responsibility of issuing to those who qualify a certificate acknowledging domestic partnership.
2. To include the transgender community in our anti-discrimination language, which is not currently defined in the City's Charter.
3. Request that the City's vendors and/or contractors honor the human rights ordinance and to incorporate this legislation for all who reside or do business within the City of Miami Beach.

Subsequently, I would like to place this as a discussion item at the February 25, Commission meeting with a **10:00 a.m. time certain**. In addition, I would like to invite my fellow commissioners to co-sponsor this legislation.

Attachments

Agenda Item R9E
Date 2-25-04



January 31, 2004

Commissioner Luis R. Garcia, Jr.
The Office of the Mayor and Commission
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Commissioner Garcia,

The board of directors of SAVE Dade have concluded their list of goals for 2004. There are three goals where we respectfully request your support. They are:

- 1) **Expand the current domestic partner registry to include all residents of Miami Beach.** Currently, the registry is used to determine the eligibility of city employees for domestic partner benefits from the city. When expanded, other employers can use it for the same purpose. The counties of Broward and Monroe as well as many cities across the country have these types of registries. Eligibility requirements would remain the same with the exception of the requirement that one partner be a city employee.
- 2) **Include the transgender community in your anti-discrimination language.** On November 4, 2003, Miami Beach voters approved an ordinance to move the anti-discrimination language to the City Charter, therefore adding additional language to the Charter is not an immediate option. Currently the term "gender" as used in this Charter provision is not defined, as far as we can tell. In a number of jurisdictions, the term "sex" or "gender" has been broadly defined. The term "gender" as used in the charter, could be defined to include "gender identity and expression", which would cover transgender persons. We have definitions that have been used throughout the country that could assist the City Attorney. This item may be only an administrative item since it relates to definitions, in which case no ordinance would need to be voted on by the Commission.
- 3) **Give consideration for City contracts to only those companies that are able to provide domestic partner benefits and do so.** This ordinance would strengthen the City's commitment to provide equal protections to all those who reside or do business in, or with, the City of Miami Beach.

"Working Together to End Discrimination"

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We are looking for sponsors for these ordinances and I will be in contact with your office to see how you can support these measures. Each of these changes will bring us closer to eliminating discrimination in our community.

Thank you in advance for your kind attention to this matter.

Heddy Pena
Executive Director
SAVE Dade

*Hi Luis - I'll be in touch.
Heddy*

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: SIMON CRUZ
COMMISSIONER**

DATE: FEBRUARY 17, 2004

RE: AGENDA ITEM

Please place the Club Madonna item on the February 25, 2004 City Commission Agenda.

SC/ml

Agenda Item R9F
Date 2-25-04


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JGomez
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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

FROM: SIMON CRUZ 
COMMISSIONER

DATE: FEBRUARY 18, 2004

RE: AGENDA ITEM – NATIONAL HERITAGE CITY

On Tuesday, January 13th Cathy Leff, Executive Director of the Wolfsonian and Eric Gould of Tew, Cardenas et. al. and I met with Brenda Barrett, National Coordinator for Heritage Areas a division of the National Park Service within the U.S. Department of the Interior. The purpose of our visit was to see what criteria is needed in order to designate a City as a National Heritage site. Our interest stems from the fact that the designation comes with grant money to help catalogue the City's Historic Buildings and special assets. This grant can be as much as \$10 million over a ten to fifteen year period.

The cost to apply is approximately \$150,000 and also requires the complete cooperation of city government, the private sector, community organizations and city residents to make an application viable.

Consequently I am requesting that the City Administration begin to look at creating a task force to help establish a vehicle to designate Miami Beach a National Heritage City.

SC/ml

Agenda Item R9G
Date 2-25-04

About National Heritage Areas

LEGISLATION: Under the National Recreation and Preservation account of the National Park Service (Department of Interior) Appropriations bill, the NPS provides support for historic preservation, particularly for the National Register for Historic Places and National Heritage Areas. Under this account, much of the appropriations are designated for specific heritage area purposes. In addition, funds may be used to provide technical assistance to local governments and partner organizations to implement locally-supported projects consistent with the overall plans for these Congressionally-designated National Heritage Areas. Congress has established 23 National Heritage Areas around the country, in which conservation, interpretation and other activities are managed by partnerships among federal, state, and local governments and the private sector. The NPS provides technical assistance as well as financial assistance for a limited number of years following the designation. A "management entity" is named by Congress to coordinate the partners' voluntary actions.

ROLE OF PARTICIPANTS AND CONGRESSIONAL MANDATE: The role of the participants, and their commitments to NPS, are indicated by their partnership with the NPS and through the creation of a management plan (see more detail, below). Each National Heritage Area is required to create a management plan, usually within 5 years of designation. First, however, the participant is required to conduct a feasibility study—required for each new site—that takes about a year to complete, and which NPS must review. The suitability/feasibility study sets out the general idea of the National Heritage Area, and the management plan describes the actions to take place. The management plan must be approved by the Secretary of the Interior. After the feasibility study is conducted and approved, then the Member of Congress introduces the legislation creating the National Heritage Area. The NPS testifies before the House and Senate (House Subcommittee on National Parks & Public Lands, House Interior Committee; Senate Subcommittee on Energy and Natural Resources, Senate Interior Committee), based on the feasibility study. The role of the party is that it is responsible for carrying out the management plan in partnership with NPS. In addition, it must comply with all of the regulations governing federal monies, i.e., audits, no fraud, waste, abuse, etc. In addition, environmental compliance is required. In some cases, a new management entity is created to carry out the things identified in the management plan or agreement. Often there is a grassroots organization that reflects the community's interest in the program, or there is a Congressional interest. Many of the National Heritage Areas are located in parts of the country where the economy is depressed.

PROGRAM INFORMATION: The National Park Service defined a National Heritage Area as a region in which residents, businesses, and local governments have joined together to conserve and celebrate heritage and special landscapes. In heritage areas, culture and history shape the landscape. The management entity might be a local governmental agency, nonprofit organization, or an independent Federal commission. The National Park Service provides technical assistance as well as financial assistance for a limited number of years following designation. Each National Heritage Area is a settled landscape that tells the story of its residents. It is a landscape in which the land and the local environment, over time, have shaped traditions and cultural values in the people who live there, and where the residents' use of the land has, in turn, created and

sustained a landscape that reflects their cultures. These areas remain in private hands (though existing parks are commonly included). Featured programs and activities such as tours, museums, festivals, etc., take place through voluntary efforts coordinated by the areas' management entities. Designation as a National Heritage Area does not involve Federal regulation of private property. Each National Heritage Area is a new and ambitious experiment in ways to conserve and celebrate the Nation's natural and cultural heritage. The kinds of visitor experiences and opportunities available vary widely. The areas have a variety of resources and are at different stages of implementing their own plans for scenic byways, walking and cycling trails, wild, scenic, and recreation rivers, interpretive and educational activities, and rehabilitation of historic buildings and districts. Visitors should note that National Heritage Areas may not look like America's National Parks. They may not have an obvious visitor center or park rangers, and some areas are too new to have signs and other visitor aids in place. But the visitor who takes the time to explore a National Heritage Area will find a view of how a particular part of the American experience came into being.

CRITERIA: The designation process for National Heritage Areas requires a Congressional designation. Although no legislative criteria exist for designation, there are guidelines for determining whether an area is one of national significance.

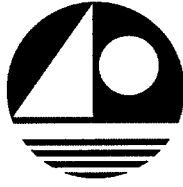
CRITERIA STEPS: The National Park Service has outlined four critical steps that need to be taken prior to congressional designation of a national heritage area. These steps are:

1. Completion of a suitability/feasibility study; 2. Public involvement in the suitability/feasibility study; 3. Demonstration of widespread public support among heritage area residents for the proposed designation; and, 4. Commitment to the proposal from key constituents, which may include governments, industry, and private, non-profit organizations, in addition to area residents.

SUGGESTED CRITERIA: The following components are helpful in assessing whether an area may qualify as a national heritage area. A suitability/feasibility study should include analysis and documentation that illustrates that:

1. The area has an assemblage of natural, historic, or cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed as such an assemblage through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities; 2. The area reflects traditions, customs, beliefs, and folk life that are a valuable part of the national story; 3. The area provides outstanding opportunities to conserve natural, cultural, historic, and/ or scenic features; 4. The area provides outstanding recreational and educational opportunities; 5. Resources that are important to the identified theme or themes of the area retain a degree of integrity capable of supporting interpretation; 6. Residents, business interests, non-profit organizations, and governments within the proposed area that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for designation of the area; 7. The proposed management entity and units of government supporting the designation are willing to commit to working in partnership to develop the heritage area; 8. The proposal is consistent with continued economic activity in the area; 9. A conceptual boundary map is supported by the public; and, 10. The management entity proposed to plan and implement the project is described. For more information, visit the website: www.cr.nps.gov/heritageareas/.

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: JORGE GONZALEZ
CITY MANAGER

FROM: RICHARD STEINBERG *RS/dm*
COMMISSIONER

DATE: February 17, 2004

RE: Resolution Opposing the Weakening of the KidCare Initiative

Please place the resolution opposing the weakening of the KidCare Initiative on the February 25th Commission Agenda for action.

If you have any questions, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

Agenda Item R9H
Date 2-25-04

2-18-04 11:15 am
Debbi
Please Prep
a Res on this
M7



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

RECEIVED
04 FEB 18 AM 9:59
CITY ATTORNEY'S OFFICE

TO: MURRAY DUBBIN
CITY ATTORNEY

FROM: RICHARD STEINBERG RLS/dm
COMMISSIONER

DATE: February 17, 2004

RE: Resolution Opposing the Weakening of the KidCare Initiative

Please see the attached Miami Dade County League of Cities Advocate Alert. I would like to respectfully request that a resolution be drafted opposing the weakening of the KidCare Initiative. Please place this on the February 25th Commission Agenda for action.

If you have any questions, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

Attachments: Advocate Alert MDLC, Form Letter and KidCare webpage

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING SENATE BILL 2000 WHICH WOULD WEAKEN THE FLORIDA KIDCARE PROGRAM THAT PROVIDES AFFORDABLE LOW COST HEALTH INSURANCE FOR THE UNINSURED CHILDREN OF FLORIDA.

WHEREAS, the Florida Kidcare Program is a worthwhile and important program which offers low cost health insurance to children from working families whose employers either do not offer coverage for children, or whose insurance is too expensive for family budgets; and

WHEREAS, in order to qualify for the Kidcare Program, a family's income must be at or below 200% of the federal poverty line; and

WHEREAS, Senate Bill 2000 has been proposed for the upcoming 2004 Legislative session which would cut dental benefits from children enrolled in Kidcare, discontinue outreach efforts to parents whose children would qualify for Kidcare and eliminate the use of a waiting list for the program, and would disqualify any child whose parents have access to employer provided health insurance, regardless of how expensive that insurance may be; and

WHEREAS, the Mayor and Commissioners of the City of Miami Beach join with the Miami-Dade County League of Cities, as well as other local governments, in opposing Senate Bill 2000 or other legislation that would weaken the Florida Kidcare Program.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that proposed Senate Bill 2000, which would weaken the Florida Kidcare Program, is hereby opposed.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

CITY CLERK

MAYOR

F:\atto\TURN\RESOS\kidcare.res.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney DT

2-19-04

Date

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RECEIVED
04 FEB 20 PM 3:40
CITY MANAGER'S
OFFICE

**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

DATE: FEBRUARY 19, 2004

RE: AGENDA ITEM

It has come to my attention that the wife and child of our late co-worker and friend Mr. Joseph Johnson are in financial distress. Subsequently, I am requesting to place a discussion item at the February 25th Commission regarding the implementation of a trust fund through sick time donations for his child.

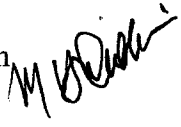
Thank you.

Agenda Item R9I
Date 2-25-04

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**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin 
City Attorney

SUBJECT: Notice of Closed Executive Sessions

DATE: February 19, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on February 25, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss pending litigation on the following cases:

West Side Partners, Ltd., a Florida limited partnership; East Coastline Development, Ltd., a Florida limited partnership; 404 Investments, Ltd., a Florida limited partnership; Azure Coast Development, Ltd., a Florida limited partnership; Beachwalk Development Corporation, a Florida corporation; Portofino Real Estate Fund, Ltd., a Florida limited partnership; St. Tropez Real Estate Fund, Ltd., a Florida limited partnership; and Sun & Fun, Inc., a Florida corporation, vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., a Florida limited partnership vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (removed to US Dist. Court, So. Dist. of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., a Florida limited partnership, and Catherine F. Colonnese, a registered voter in the City of Miami Beach, Florida, vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (on Appeal in Third District Court of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd vs. City of Miami Beach and the State of Florida, Department of Community Affairs. State of Florida, Division of Administrative Hearing Case No. 02-3283

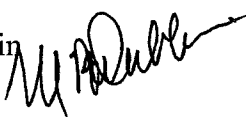
The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen and Dan Paul.

Agenda Item R10A
Date 2-25-04

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**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin 
City Attorney

SUBJECT: Notice of Closed Executive Session

DATE: February 20, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on February 25, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

Da Mortgage, Inc., a Florida Corporation; 136 Collins Avenue, L.C.; a Florida Corporation vs. City of Miami Beach, a Florida Municipal Corporation; and Miami Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

136 Collins Avenue, L.C.; and Roman Jones vs. City of Miami Beach, a Florida municipal corporation. Third District Court of Appeals, Case No. 3D03-3154, L.T. Case No. 03-15647 CA 31

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner and Assistant City Attorney Roberto Datorre.

Agenda Item R10 B
Date 2-25-04

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City of Miami Beach

F L O R I D A



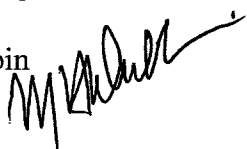
MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: February 25, 2004

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Joel W. Robbins, as Property Appraiser of Miami-Dade County, Florida vs. City of Miami Beach and James Zingale, as Executive Director of the State of Florida Department of Revenue. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-25503 CA 04

Miami-Dade County has filed an action challenging the reduction in assessed value of the "Anchor Shops Parking Garage" by the County's Value Adjustment Board. The City has filed an answer and affirmative defenses.

2. Mortgage Electronic Registration Systems, Inc. as Nominee for GMAC Mortgage Corporation, vs. Samuel Suarez, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-01306 CA 05

This is a mortgage foreclosure case for real property located at 5445 Collins Avenue, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal) and Permit/Certificate of Use/License. An Answer was filed on February 5, 2004.

3. Advanced Modular Structures, Inc. vs. City of Miami Beach, Florida.
Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-1249 CC 23

This is a county court action seeking damages for the alleged non-payment of monies owed to the Plaintiff. The City has filed a Motion to Dismiss the complaint which is pending.

4. Sobie Sobe Corporation, a Florida corporation vs. IL Pomodoro Restaurant Inc. et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-1949 CA 01

This is a lien foreclosure case against an alcoholic beverage license located at 468 Arthur Godfrey Road, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal) and Resort Tax. An Answer was filed on February 11, 2004.

5. Washington Mutual Bank, F.A., vs. Jose Maria Corredoira; et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-2042 CA 15

This is a mortgage foreclosure case for real property located at 100 Lincoln Road, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal), Resort Tax, Permit/License/Certificate of Use and Code Compliance. An Answer was filed on February 11, 2004.

6. GMAC Mortgage Corporation vs. Dangel Galvez et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-2488 CA 15

This is a mortgage foreclosure case for real property located at 9984 N.W. 127th Terrace, Hialeah Gardens. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed February 11, 2004.

7. Margarita Maria Osorio, as Personal Representative of the Estate of Ana Maria Angel-Osorio, deceased and Nelson Eddy Portobanco, vs. Penrod Brothers, Inc., Turner Construction Company, and City of Miami Beach, a

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 3
February 25, 2004

Political Subdivision of the State of Florida. Eleventh Judicial Circuit,
General Jurisdiction, Case No. 04-2721 CA 25

The City was served with this wrongful death and personal injury complaint on February 7, 2004, wherein the personal representative for the Estate of Osorio alleges that on April 28, 2003, the City's negligence in not blocking off the access road which leads to the back of Penrods was one of the causes of the murder of the deceased. Plaintiff, Portobanco, alleges that the City's removal of a safety wall led to his injuries by the kidnappers and killers of Margarita Osorio. An answer and affirmative defenses will be timely filed, as will a motion for summary judgment in favor of the City.

8. Maria Barkoczy vs. City of Miami Beach and Florida Department of Transportation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-02700 CA 08

The City was served with this Complaint on February 12, 2004, wherein the Plaintiff alleges that on May 28, 2003 she tripped and fell thereby sustaining injuries on an uneven/broken or unleveled surface located at 7441 Collins Avenue, Miami Beach. An answer and affirmative defenses will be timely filed, as will a motion for summary judgment in favor of the City if the accident location is not within the responsibility of the City.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of December 2003. In December 2003, gross revenues at attended facilities (garage and lots) increased by 22.66% as compared to the prior year's period. A major contributing factor to this increase is the addition of the Anchor Garage. Had this facility not been included, gross revenues would have increased .60% or \$3,725.66.

During the month of December 2003, the Parking Department's attended locations earned a net profit of \$504,043.19. This is an increase in net profit of \$82,202.60 or 19.49% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: December 2003

During the month of December 2003, the 17th Street Garage had net revenues of \$201,931.96. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$54,960.00, transient parking revenues of \$140,671.96, and valet rental fees of \$6,300.00. Net revenues decreased from \$202,459.53 in 2002, to \$201,931.96 in 2003; a .26% decrease in net revenues.

After subtracting operating expenses of \$72,187.17 the facility had a net profit for the month in the amount of \$129,744.79. This represents a decrease in net profit for the facility in the amount of \$7,823.30 or 5.69% when compared to the same period in the previous year. This decrease is primarily attributable to an increase in attendant cashier labor expense of \$4,634.87 and an increase in the garage cleaning expense of \$2,039.08

B) 7th Street Municipal Parking Garage: December 2003

During the month of December 2003, the 7th Street Municipal Parking Garage had net revenues of \$143,703.62. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$13,462.50 and transient parking revenues of \$130,241.12. When compared to the same month in the prior year (December 2002), net revenues decreased from \$153,371.61 in 2002, to \$143,703.62 in 2003; a

Agenda Item

B

Date

2-25-04

6.30% decrease in net revenues. After subtracting operating expenses of \$54,490.83 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$29,712.79. This is a decrease in net profit of \$15,910.89 or 34.87% as compared to the same period in the previous year, 2002. This decrease is primarily attributable to a decrease in transient parking revenues of \$10,005.49 and an increase in security personnel expense of \$3,935.97.

The 7th Street Garage served a total of 31,679 parkers in the month of December, 2003.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): December 2003

During the month of December 2003, the 5-A Surface Lots had net revenues of \$158,434.77. Net revenues are comprised of facility-specific access-card revenues of \$15,960.00 and transient parking revenues of \$142,474.77. When compared to the same period in the prior year (December 2002), net revenues increased from \$138,590.56 in 2002, to \$158,434.77 in 2003; representing a 14.32% increase in net revenues. After subtracting operating expenses of \$23,951.94, the facility had a net profit for the month in the amount of \$134,482.83. This is an increase in net profit of \$19,375.37 or 16.83% from December 2002. This increase is primarily attributable to an increase in transient parking revenues of \$21,584.21 that was partially offset by an increase in attendant/cashier labor expense of \$1,327.15. The 5-A Municipal Surface Parking Lot served a total of 45,595 parkers in the month of December, 2003.

D) 12th Street Municipal Parking Garage: December 2003

During the month of December 2003, the 12th Street Garage had net revenues of \$29,490.45. Net revenues are comprised of facility-specific monthly parking revenues of \$5,040.00 and transient parking revenues of \$24,450.45. When compared to the same month in the prior year (December 2002), net revenues decreased from \$32,461.35 in 2002, to \$29,490.45 in 2003; a 9.15% decrease in net revenues. After subtracting operating expenses of \$18,081.75 the facility had a net profit for the month in the amount of \$11,408.70. This is a decrease in net profit of \$4,094.47 or 26.41%. This decrease is primarily attributable to a decrease in transient parking revenues of \$2,790.90 and an increase in security personnel expense \$871.78. The 12th Street Garage served a total of 4,314 parkers in the month of December 2003.

E) 13th Street Municipal Parking Garage: December 2003

During the month of December 2003, the 13th Street Garage had net revenues of \$48,620.44. Net revenues are comprised of facility-specific monthly parking permit revenues of \$8,520.00 and transient parking revenues of \$40,100.44. Compared to the same month in the prior year (2002), net revenues decreased from \$53,491.52 in 2002, to \$48,620.44 in 2003; representing a 9.11% decrease in net revenues. After subtracting operating expenses of \$30,592.70, the facility had a net profit for the month in the amount of \$18,027.74. This is a decrease in net profit of \$6,501.04 or 26.50% from December 2002. This decrease is primarily attributable to a decrease in transient parking revenues of

\$5,291.08. The 13th Street Garage served a total of 7,866 parkers in the month of December 2003.

F) 16th Street-Anchor Parking Garage : December 2003

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of December, 2003, the 16th Street Garage had net revenues of \$136,207.10. Net revenues are comprised of facility-specific monthly parking revenues of \$23,050.00, transient parking revenues of \$86,298.69, and valet rental fees of \$26,858.41. After subtracting operating expenses of \$37,887.10 the facility had a net profit for the month in the amount of \$98,320.00. The 16th Street Garage served a total of 23,063 parkers in the month of December, 2003.

G) 42nd Street Municipal Parking Garage: December 2003

During the month of December, 2003, the 42nd Street Garage had net revenues of \$39,175.88. Net revenues are comprised of facility-specific monthly parking revenues of \$35,760.00 and transient parking revenues of \$3,415.88. Compared to the same month in the prior year, 2002, net revenues increased from \$37,256.89 in 2002, to \$39,175.88 in 2003; representing a 5.15% increase in net revenues. After subtracting operating expenses of \$16,329.54 the facility had a net profit for the month in the amount of \$22,846.34. The 42nd Street Garage served a total of 11,693 parkers in the month of December, 2003.

H) Electronic Parking Meter Revenue Comparison: December 2003

This statement compares parking meter revenue collected in December 2003, with revenue collected in December 2002. When comparing revenues for December 2003 in the amount of \$782,854.55 to revenues for December 2002 in the amount of \$750,824.70, the report reflects an increase of \$32,029.85 or 4.27% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of December 2003 decal and permit revenue decreased by \$16,218.20 and meter rental revenue (valet, construction, and special events) decreased \$19,084.28. The combined total revenue produced at meters for the month of December 2003 was \$747,552.07. This reflects a decrease from the previous year in the amount of \$3,272.63 or .44%.

I) Parking and Transportation Smart Card Sales: December 2003

In the month of December 2003, the Parking Department sold 3,542 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$84,047.50.

J) Hotel Hangtag Sales: December 2003

In the month of December 2003, the Parking Department sold 2,300 hotel hangtags to hoteliers in the amount of \$13,800.00.

K) Multi-Space Parking Meter Pilot Program: December 2003

Schlumberger-Sema, at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in January 2003. The following is the average dollar amount collected per meter per day of operation:

Ocean Drive (47 spaces)

December 2002	December 2003	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
\$7.38	\$12.46	68.83%	\$6.79	\$11.30	66.42%

777 17th Street (27 spaces)

December 2002	December 2003	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
\$2.42	\$3.26	34.71%	\$2.42	\$3.07	26.86%

Method of Payment Distribution Year to Date for All Collections

Currency	66.36%
Coin	22.79%
Credit Card	10.85%
Total	100.00%


JMG/CMC/SF
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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY**

LOCATION	Revenue			Expenses			Profit/(Loss)	
	2002 December	2003 December	Percent of Increase/ (Decrease)	2002 December	2003 December	Increase/ (Decrease)	2002 December	2003 December
17 St. Garage	202,459.53	201,931.96	-0.26%	64,891.44	72,187.17	7,295.73	137,568.09	129,744.79
7th St. Garage	153,371.61	143,703.62	-6.30%	48,247.93	54,490.83	6,242.90	105,123.68	89,212.79
17th St. Lots	138,590.56	158,434.77	14.32%	23,483.10	23,951.94	468.84	115,107.46	134,482.83
12th St. Garage	32,461.35	29,480.45	-9.15%	16,958.18	18,081.75	1,123.57	15,503.17	11,408.70
13th St. Garage	53,491.52	48,620.44	-9.11%	28,962.74	30,592.70	1,629.96	24,528.78	18,027.74
42nd St. Garage	37,256.89	39,175.88	5.15%	13,247.48	16,329.54	3,082.06	24,009.41	22,846.34
16th St. - Anchor	0.00	136,207.10	#DIV/0!	0.00	37,887.10	37,887.10	0.00	98,320.00
Totals	617,631.46	757,564.22	22.66%	195,790.87	253,521.03	57,730.16	421,840.59	504,043.19
								98,320.00
								82,202.60
								#DIV/0!
								19.49%

462

LOCATION	Revenue		Expenses		Profit/Loss	
	Per Space	Per Space	Per Space	Per Space	Per Space	Per Space
17 St. Garage	138.31	49.44	88.87	The 17th Street Garage has 1460 spaces.		
7th St. Garage	222.45	84.35	138.10	The 7th Street Garage has 646 spaces.		
17th St. Lots	313.11	47.34	265.78	The 17th Street Lots have 506 spaces.		
12th St. Garage	220.08	134.94	85.14	The 12th Street Garage has 134 spaces.		
13th St. Garage	170.00	106.97	63.03	The 13th Street Garage has 286 spaces.		
42nd St. Garage	63.19	26.34	36.85	The 42nd Street Garage has 620 spaces.		
16th St. - Anchor	169.62	47.18	122.44	The 16th Street Anchor Garage has 803 spaces.		

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YTD**

LOCATION	Revenue			Expenses			Profit/(Loss)		
	2002 December YTD	2003 December YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)	2002 December YTD	2003 December YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)	2002 December YTD	2003 December YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)
17 St. Garage	602,138.38	613,356.87	11,218.49 1.86%	210,803.18	223,861.83	13,058.65 6.19%	389,495.04	389,495.04	(1,840.16) -0.47%
7th St. Garage	453,309.15	449,362.74	(3,946.41) -0.87%	154,416.99	156,792.90	2,375.91 1.54%	292,569.84	292,569.84	(6,322.32) -2.12%
17th St. Lots	401,312.37	452,287.36	50,974.99 12.70%	80,607.39	76,274.74	(4,332.65) -5.38%	376,012.62	376,012.62	55,307.64 17.25%
12th St. Garage	93,776.18	91,516.98	(2,259.20) -2.41%	54,417.12	53,175.27	(1,241.85) -2.28%	38,341.71	38,341.71	(1,017.35) -2.58%
13th St. Garage	180,214.21	159,559.64	(654.57) -0.41%	93,684.15	90,475.48	(3,208.67) -3.42%	69,084.16	69,084.16	2,554.10 3.84%
42nd St. Garage	113,227.41	114,889.92	1,662.51 1.47%	44,273.36	48,107.11	3,833.75 8.66%	66,782.81	66,782.81	(2,171.24) -3.15%
16th St. - Anchor	0.00	393,131.54	393,131.54 #DIV/0!	0.00	112,446.87	112,446.87 #DIV/0!	0.00	280,684.67	280,684.67 #DIV/0!
Totals	1,823,977.70	2,274,105.05	450,127.35 24.68%	638,202.19	761,134.20	122,932.01 19.26%	1,185,775.51	1,512,970.85	327,195.34 27.59%
17 St. Garage	Revenue Per Space 420.11	Expenses Per Space 153.33	Profit/Loss Per Space 266.78	The 17th Street Garage has 1480 spaces.					
7th St. Garage	695.61	242.71	452.89	The 7th Street Garage has 646 spaces.					
17th St. Lots	893.85	150.74	743.11	The 17th Street Lots have 506 spaces.					
12th St. Garage	682.96	396.83	286.13	The 12th Street Garage has 134 spaces.					
13th St. Garage	557.90	316.35	241.55	The 13th Street Garage has 286 spaces.					
42nd St. Garage	185.31	77.59	107.71	The 42nd Street Garage has 620 spaces.					
16th St. - Anchor	489.58	140.03	349.55	The 16th Street Anchor Garage has 803 spaces.					

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	136,339.53	140,671.96	4,332.43		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	<u>59,820.00</u>	<u>54,960.00</u>	<u>-4,860.00</u>		
	17th St. Garage REVENUE (Sales Tax Excluded)	202,459.53	201,931.96	-527.57	-0.26%	\$138.31
Expenses						
Security Personnel		16,549.18	16,802.34	253.16		
Attendant/Cashier Labor		36,137.49	40,772.36	4,634.87 (1)		
FP&L		6,007.59	6,473.39	465.80 (2)		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		613.00	613.00	0.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		<u>3,292.00</u>	<u>5,331.08</u>	<u>2,039.08</u>		
	17th St. Garage EXPENSES	64,891.44	72,187.17	7,295.73	11.24%	\$49.44
	17th St. Garage PROFIT/(LOSS)	137,568.09	129,744.79	-7,823.30	-5.69%	\$88.87
Number of Spaces						1460

(1) December 2003 includes 307 more hours paid to cashiers during first week of December, 2003.
(2) FP&L Rate applied as fixed average.

Note:
The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road/Conventions/TOPA/New World Symphony.

Excel (F:\drive\Ping\SPers\P&L\2004\November\17thgar.xls)LN

City of Miami Beach
Parking Department
17th Street Garage - 2G

December-03

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	1850	17:00 - 17:59	299	\$1,768.22
2	Tuesday	1928	17:00 - 17:59	303	\$1,958.88
3	Wednesday	2897	17:00 - 17:59	543	\$5,479.44
4	Thursday	3050	17:00 - 17:59	573	\$5,681.31
5	Friday	3625	19:00 - 19:59	682	\$8,000.93
6	Saturday	3852	19:00 - 19:59	676	\$10,634.58
7	Sunday	2985	13:00 - 13:59	669	\$7,832.71
8	Monday	1830	17:00 - 17:59	300	\$1,651.40
9	Tuesday	1927	18:00 - 18:59	349	\$2,006.54
10	Wednesday	1850	17:00 - 17:59	307	\$1,596.26
11	Thursday	2131	18:00 - 18:59	314	\$2,335.51
12	Friday	2996	19:00 - 19:59	538	\$4,780.37
13	Saturday	3572	19:00 - 19:59	695	\$10,286.92
14	Sunday	2143	16:00 - 16:59	477	\$4,276.64
15	Monday	1822	17:00 - 17:59	332	\$1,906.54
16	Tuesday	1928	08:00 - 08:59	566	\$6,538.32
17	Wednesday	1855	0	0	\$2,194.39
18	Thursday	2110	0	0	\$2,483.18
19	Friday	2997	16:00 - 16:59	339	\$3,653.27
20	Saturday	2738	19:00 - 19:59	440	\$5,579.44
21	Sunday	2621	14:00 - 14:59	629	\$6,102.80
22	Monday	2111	17:00 - 17:59	385	\$2,621.50
23	Tuesday	2403	17:00 - 17:59	407	\$3,086.92
24	Wednesday	1904	14:00 - 14:59	409	\$2,239.25
25	Thursday	1277	19:00 - 19:59	232	\$2,677.57
26	Friday	2212	15:00 - 15:59	316	\$4,270.09
27	Saturday	2799	20:00 - 20:59	505	\$6,800.00
28	Sunday	2633	14:00 - 14:59	536	\$6,231.78
29	Monday	2097	17:00 - 17:59	328	\$3,160.75
30	Tuesday	2687	19:00 - 19:59	383	\$4,516.82
31	Wednesday	3170	16:00 - 16:59	431	\$8,319.63
	TOTAL	76,000			\$140,671.96
MONTHLY PERMIT REVENUE					\$54,960.00
VALET REVENUE					\$6,300.00
TOTAL NET REVENUE					\$201,931.96

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th St. Garage-1G						
Revenue-Ticket	142-8000-344404	140,246.61	130,241.12	-10,005.49		
Revenue-Monthly Permits	142-8000-344404	<u>13,125.00</u>	<u>13,462.50</u>	<u>337.50</u>		
	7th St. REVENUE (Sales Tax Excluded)	153,371.61	143,703.62	-9,667.99	-6.30%	\$222.45
Expenses						
Security Personnel		20,245.12	24,181.09	3,935.97 (1)		
Attendant/Cashier Labor		16,806.12	17,422.60	616.48		
Landscape Maintenance		984.00	918.67	-65.33		
FP&L		2,709.51	3,067.37	357.86		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	4,765.00	-99.00 (2)		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		985.00	2,271.50	1,286.50		
Surveillance System Maintenance		<u>437.00</u>	<u>744.60</u>	<u>307.60</u>		
	7th St. EXPENSES	48,247.93	54,490.83	6,242.90	12.94%	\$84.35
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	45,623.68	29,712.79	-15,910.89	-34.87%	\$46.00
						Number of Spaces 646

(1) December 2003 includes 116 more hours paid to security personnel during FTAA

(2) 12 hrs of credit provided by Best's for missed shifts.

Note:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons and nightclub patrons.

Excel (F:\drive\Ping\SPers\P&L\2004\November\7thstga.xls)LN

City of Miami Beach
Parking Department
7th Street Garage-1G

December-03

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Monday	445	17:00 - 17:59	77	\$368.95	\$69.90	\$1,189.00
2	Tuesday	531	14:00 - 14:59	84	\$368.95	\$69.90	\$1,459.00
3	Wednesday	380	16:00 - 16:59	59	\$368.95	\$69.90	\$931.00
4	Thursday	542	15:00 - 15:59	83	\$368.95	\$69.90	\$1,440.00
5	Friday	1129	23:00 - 23:59	233	\$368.95	\$69.90	\$8,526.00
6	Saturday	1459	00:00 - 00:59	263	\$368.95	\$69.90	\$8,765.00
7	Sunday	1049	00:00 - 00:59	234	\$368.95	\$69.90	\$2,794.00
8	Monday	49	00:00 - 00:59	33	\$368.95	\$69.90	\$1,228.00
9	Tuesday	1056			\$368.95	\$69.90	\$1,169.00
10	Wednesday	1205	18:00 - 18:59	65	\$368.95	\$69.90	\$1,122.00
11	Thursday	642	13:00 - 13:59	106	\$368.95	\$69.90	\$1,726.00
12	Friday	1013	23:00 - 23:59	208	\$368.95	\$69.90	\$8,341.00
13	Saturday	1739	00:00 - 00:59	273	\$368.95	\$69.90	\$10,517.00
14	Sunday	945	00:00 - 00:59	296	\$368.95	\$69.90	\$2,807.00
15	Monday	665	17:00 - 17:59	120	\$368.95	\$69.90	\$1,782.00
16	Tuesday	481	13:00 - 13:59	95	\$368.95	\$69.90	\$1,139.00
17	Wednesday	445	14:00 - 14:59	81	\$368.95	\$69.90	\$1,028.00
18	Thursday	608	18:00 - 18:59	117	\$368.95	\$69.90	\$1,710.00
19	Friday	973	23:00 - 23:59	171	\$368.95	\$69.90	\$6,682.00
20	Saturday	1306	15:00 - 15:59	205	\$368.95	\$69.90	\$7,597.00
21	Sunday	1046	00:00 - 00:59	208	\$368.95	\$69.90	\$2,801.00
22	Monday	684	15:00 - 15:59	129	\$368.95	\$69.90	\$1,867.00
23	Tuesday	983	15:00 - 15:59	204	\$368.95	\$69.90	\$2,646.00
24	Wednesday	759	15:00 - 15:59	192	\$368.95	\$69.90	\$1,952.00
25	Thursday	1134	15:00 - 15:59	243	\$368.95	\$69.90	\$3,361.00
26	Friday	1773	16:00 - 16:59	327	\$368.95	\$69.90	\$11,322.00
27	Saturday	2326	15:00 - 15:59	297	\$368.95	\$69.90	\$12,991.00
28	Sunday	1810	14:00 - 14:59	294	\$368.95	\$69.90	\$6,761.00
29	Monday	1798	15:00 - 15:59	319	\$368.95	\$69.90	\$5,949.00
30	Tuesday	2046	12:00 - 12:59	297	\$368.95	\$69.90	\$7,038.00
31	Wednesday	1714	15:00 - 15:59	282	\$368.95	\$69.90	\$10,718.00
TOTAL		32,735			\$11,437.50	\$2,166.75	\$139,358.00

TOTAL GROSS REVENUE	\$11,437.50	\$2,166.75	\$139,358.00
SALES TAX	\$0.00	\$141.75	\$9,116.88
TOTAL NET REVENUE	\$11,437.50	\$2,025.00	\$130,241.12

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)			\$138,601.25
Less Current Month Net Revenue			\$143,703.62
Over/(Short)			\$5,102.37
Monthly Space Rental			
Goldman Properties-152.5	\$11,437.50	No tax included	
Other - 27	\$2,166.75	With Tax	

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	120,890.56	142,474.77	21,584.21	
Revenue-Monthly Permits	480-8000-344596	<u>17,700.00</u>	<u>15,960.00</u>	<u>-1,740.00</u>	
	17th St. Lots REVENUE (Sales Tax Excluded)	138,590.56	158,434.77	19,844.21	14.32%
Expenses					
Security Personnel		1,797.93	880.37	-917.56	
Attendant/Cashier Labor		19,183.60	20,510.75	1,327.15	
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		<u>332.23</u>	<u>391.48</u>	<u>59.25</u>	
	17th St. Lots EXPENSES	23,483.10	23,951.94	468.84	2.00%
	17th St. Lots PROFIT/(LOSS)	115,107.46	134,482.83	19,375.37	16.83%

(1) December 2003 includes two pay periods

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City of Miami Beach
Parking Department
5A Surface Lots East and West

December-03

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Monday	689	\$1,681.31	562	\$1,205.61	\$2,886.92
2	Tuesday	779	\$1,743.93	604	\$1,193.46	\$2,937.39
3	Wednesday	838	\$2,185.05	827	\$2,024.30	\$4,209.35
4	Thursday	745	\$2,500.00	747	\$2,410.28	\$4,910.28
5	Friday	982	\$3,759.81	836	\$3,128.04	\$6,887.85
6	Saturday	953	\$4,436.45	880	\$3,800.00	\$8,236.45
7	Sunday	845	\$2,370.09	749	\$2,340.19	\$4,710.28
8	Monday	669	\$1,511.21	501	\$1,009.35	\$2,520.56
9	Tuesday	676	\$1,578.50	600	\$1,107.48	\$2,685.98
10	Wednesday	690	\$1,589.72	488	\$930.84	\$2,520.56
11	Thursday	759	\$1,980.37	533	\$1,380.37	\$3,360.74
12	Friday	996	\$3,566.36	664	\$2,368.22	\$5,934.58
13	Saturday	989	\$5,393.46	489	\$2,672.90	\$8,066.36
14	Sunday	831	\$3,290.65	543	\$1,933.64	\$5,224.29
15	Monday	602	\$1,567.29	633	\$1,286.92	\$2,854.21
16	Tuesday	677	\$2,082.24	609	\$2,843.93	\$4,926.17
17	Wednesday	692	\$1,402.80	487	\$778.50	\$2,181.30
18	Thursday	751	\$1,895.33	539	\$1,431.78	\$3,327.11
19	Friday	997	\$3,127.10	669	\$2,351.40	\$5,478.50
20	Saturday	884	\$4,014.02	634	\$2,504.67	\$6,518.69
21	Sunday	723	\$2,447.66	585	\$1,603.74	\$4,051.40
22	Monday	735	\$1,636.45	638	\$1,057.94	\$2,694.39
23	Tuesday	662	\$1,942.99	839	\$1,263.55	\$3,206.54
24	Wednesday	722	\$1,494.39	467	\$774.77	\$2,269.16
25	Thursday	611	\$2,061.68	440	\$1,414.95	\$3,476.63
26	Friday	996	\$4,072.90	638	\$2,403.74	\$6,476.64
27	Saturday	1022	\$4,286.92	855	\$3,594.39	\$7,881.31
28	Sunday	983	\$3,085.05	726	\$1,841.12	\$4,926.17
29	Monday	909	\$2,060.75	851	\$1,785.05	\$3,845.80
30	Tuesday	928	\$3,653.27	954	\$3,188.79	\$6,842.06
31	Wednesday	897	\$3,404.67	776	\$3,022.43	\$6,427.10
		25,232	81,822.42	20,363	\$60,652.35	\$142,474.77
MONTHLY PERMIT REVENUE						\$15,960.00
TOTAL NET REVENUE						\$158,434.77

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	27,241.35	24,450.45	-2,790.90		
Revenue-Monthly Permits	480-8000-344593	<u>5,220.00</u>	<u>5,040.00</u>	<u>-180.00</u>		
	12th St. REVENUE (Sales Tax Excluded)	32,461.35	29,490.45	-2,970.90	-9.15%	\$220.08
Expenses						
Security Personnel		8,235.63	9,107.41	871.78 (1)		
Attendant/Cashier Labor		6,892.87	7,200.05	307.18		
FP&L		98.93	108.54	9.61		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		<u>1,605.75</u>	<u>1,540.75</u>	<u>-65.00</u> (2)		
	12th St. EXPENSES	16,958.18	18,081.75	1,123.57	6.63%	\$134.94
	12th St. PROFIT/(LOSS)	15,503.17	11,408.70	-4,094.47	-26.41%	\$85.14

(1) December 2003 includes 71 extra hours paid for security during FTAA
(2) Best's provided 31 additional hrs of service for \$255.75

Number of Spaces 134

Note:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

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City of Miami Beach
Parking Department
12th Street Garage - 2A Garage

December-03

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Monday	1	0	0	2	6	0	1	11	117	138	\$555.14
2	Tuesday	2	1	0	0	2	0	1	2	110	118	\$476.64
3	Wednesday	1	3	0	0	2	0	0	10	94	110	\$411.21
4	Thursday	0	1	1	0	0	0	2	4	98	106	\$508.41
5	Friday	0	1	1	0	0	0	0	8	205	215	\$1,472.90
6	Saturday	0	1	1	0	0	0	5	6	60	73	\$1,297.20
7	Sunday	0	0	0	0	0	0	1	0	172	173	\$452.34
8	Monday	1	4	0	1	5	0	3	4	99	117	\$450.47
9	Tuesday	0	2	1	0	0	0	2	4	98	107	\$407.48
10	Wednesday	0	2	0	0	2	0	2	1	66	73	\$302.80
11	Thursday	0	0	1	0	2	0	1	8	110	122	\$491.59
12	Friday	9	1	0	0	2	0	5	0	215	232	\$1,422.43
13	Saturday	1	1	0	0	0	0	2	2	183	189	\$1,392.52
14	Sunday	0	0	0	0	0	0	1	0	61	62	\$500.93
15	Monday	3	3	1	0	5	0	0	0	115	127	\$484.11
16	Tuesday	2	2	2	0	3	0	3	0	88	100	\$431.78
17	Wednesday	1	3	1	1	3	0	2	2	66	79	\$345.79
18	Thursday	0	0	2	1	3	0	2	4	85	97	\$413.08
19	Friday	0	1	2	0	0	0	0	2	164	169	\$1,078.50
20	Saturday	0	1	0	0	0	0	0	1	142	144	\$1,067.29
21	Sunday	0	1	0	0	0	0	0	0	54	55	\$407.48
22	Monday	1	1	1	0	6	0	1	2	88	100	\$368.22
23	Tuesday	0	1	4	0	2	0	3	2	139	151	\$712.15
24	Wednesday	0	5	0	0	2	0	0	0	85	92	\$457.94
25	Thursday	0	0	0	0	0	0	0	0	114	114	\$628.04
26	Friday	1	0	0	0	2	0	2	1	204	210	\$1,439.25
27	Saturday	0	1	0	0	0	0	3	1	212	217	\$1,659.81
28	Sunday	0	0	0	0	0	0	3	0	169	172	\$1,377.57
29	Monday	0	1	0	0	2	0	4	2	228	237	\$1,123.36
30	Tuesday	0	2	1	0	0	0	1	0	224	228	\$1,201.87
31	Wednesday	1	3	1	1	1	0	3	1	176	187	\$1,112.15
TOTAL		24	42	20	6	50	0	53	78	4041	4314	\$24,450.45
MONTHLY PERMIT REVENUE												\$5,040.00
TOTAL NET REVENUE												\$29,490.45

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	45,391.52	40,100.44	-5,291.08		
Revenue-Monthly Permits	480-8000-344527	<u>8,100.00</u>	<u>8,520.00</u>	<u>420.00</u>		
	13th St. REVENUE (Sales Tax Excluded)	53,491.52	48,620.44	-4,871.08	-9.11%	\$170.00
Expenses						
Security Personnel		10,541.72	10,736.25	194.53		
Attendant/Cashier Labor		14,624.04	15,269.80	645.76		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,276.13	1,404.98	128.85		
Revenue Control Equipment Maintenance		0.00	750.00	750.00		
Elevator Maintenance		304.00	312.00	8.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Garage Cleaning/Maintenance		<u>1,483.00</u>	<u>1,483.00</u>	<u>0.00</u> (1)		
	13th St. EXPENSES	28,962.74	30,592.70	1,629.96	5.63%	\$106.97
	13th St. PROFIT/(LOSS)	24,528.78	18,027.74	-6,501.04	-26.50%	\$63.03

Number of Spaces 286

(1) Pressure cleaning from Best's Maintenance for \$165.00

Note:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers and restaurant patrons.

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December-03

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CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	December 2002 Actual	December 2003 Actual	2003 Actual Over (Under) 2002 Actual	Actual Percent Over (Under)	Dec 2003 Rev/Exp Per Space
16th St. - Anchor Garage						
Revenue-Ticket	463-8000-344911		86,298.69	86,298.69		
Revenue -Valet-Loew's	463-8000-344587		26,858.41	26,858.41		
Revenue-Valet-Royal Palm	463-8000-344587		0.00	0.00		
Revenue-Monthly Permits	463-8000-344903		23,050.00	23,050.00		
16th St. Garage REVENUE		0.00	136,207.10	136,207.10	#DIV/0!	\$169.62
Expenses						
Security Personnel			13,395.77	13,395.77	(1)	
Attendant/Cashier Labor			15,831.23	15,831.23		
FP&L			3,800.00	3,800.00		
Revenue Control Equipment Maintenance			775.00	775.00		
Armed Guard Revenue Pickup			420.00	420.00		
Elevator Maintenance			155.00	155.00		
Landscape Maintenance			164.67	164.67		
Garage Cleaning/Maintenance			2,924.00	2,924.00		
Sanitation (Waste Removal)			171.43	171.43		
Fire Alarm Service			250.00	250.00		
16th St. Garage EXPENSES		0.00	37,887.10	37,887.10	#DIV/0!	\$47.18
16th St. Garage PROFIT/(LOSS)		0.00	98,320.00	98,320.00	#DIV/0!	\$122.44

Number of Spaces 803

Note:

(1) December 2003 includes 54 extra hours paid to security during FTAA

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**City of Miami Beach
Parking Department
16th Street Garage (Anchor)**

December-03

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	508	15:00 - 15:59	80	\$1,381.31
2	Tuesday	535	22:00 - 22:59	26	\$1,318.69
3	Wednesday	526	18:00 - 18:59	88	\$1,324.30
4	Thursday	611	18:00 - 18:59	98	\$1,705.61
5	Friday	879	19:00 - 19:59	106	\$3,732.36
6	Saturday	881	16:00 - 16:59	106	\$4,272.90
7	Sunday	621	00:00 - 00:59	111	\$2,156.07
8	Monday	595	15:00 - 15:59	92	\$1,366.36
9	Tuesday	640	19:00 - 19:59	98	\$1,556.07
10	Wednesday	650	15:00 - 15:59	90	\$1,776.64
11	Thursday	620	16:00 - 16:59	83	\$1,662.62
12	Friday	744	17:00 - 17:59	103	\$2,755.14
13	Saturday	980	16:00 - 16:59	152	\$5,146.73
14	Sunday	616	00:00 - 00:59	138	\$2,457.94
15	Monday	625	07:00 - 07:59	99	\$1,622.43
16	Tuesday	602	08:00 - 08:59	93	\$1,363.55
17	Wednesday	535	18:00 - 18:59	79	\$900.93
18	Thursday	543	17:00 - 17:59	82	\$1,492.52
19	Friday	791	13:00 - 13:59	104	\$2,990.65
20	Saturday	1082	20:00 - 20:59	178	\$6,512.15
21	Sunday	479	00:00 - 00:59	286	\$1,963.55
22	Monday	467	14:00 - 14:59	68	\$1,211.21
23	Tuesday	911	17:00 - 17:59	182	\$1,690.65
24	Wednesday	456	00:00 - 00:59	111	\$1,164.49
25	Thursday	481	15:00 - 15:59	80	\$1,668.22
26	Friday	853	18:00 - 18:59	120	\$4,026.17
27	Saturday	1110	23:00 - 23:59	139	\$6,060.75
28	Sunday	966	16:00 - 16:59	149	\$4,555.14
29	Monday	1052	15:00 - 15:59	186	\$4,433.64
30	Tuesday	1233	13:00 - 13:59	207	\$5,116.82
31	Wednesday	1471	13:00 - 13:59	231	\$6,913.08
	TOTAL	23,063			\$86,298.69
MONTHLY PERMIT REVENUE					\$23,050.00
VALET REVENUE					\$26,858.41
TOTAL NET REVENUE					\$136,207.10

Note: Garage contract awarded effective June 9, 2003.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 December	2003 December	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue-Ticket	480-8000-344531	1,616.89	3,415.88	1,798.99		
Revenue-Monthly Permits	480-8000-344595	<u>35,640.00</u>	<u>35,760.00</u>	<u>120.00</u>		
	42nd St. REVENUE (Sales Tax Excluded)	37,256.89	39,175.88	1,918.99	5.15%	\$63.19
Expenses						
Security Personnel		8,143.74	9,113.55	969.81 (1)		
Attendant/Cashier Labor		2,477.56	3,077.53	599.97		
FP&L		1,341.18	1,805.96	464.78		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		0.00	536.00	536.00		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		<u>1,285.00</u>	<u>1,796.50</u>	<u>511.50 (2)</u>		
	42nd St. EXPENSES	13,247.48	16,329.54	3,082.06	23.27%	\$26.34
	42nd St. PROFIT/(LOSS)	24,009.41	22,846.34	-1,163.07	-4.84%	\$36.85
Number of Spaces						620

(1) December 2003 includes 71 extra hours paid to security during FTAA

(2) 62 extra hrs of service provided by Best's for \$511.50

Note:

The primary users of this facility are monthly parkers engaged in local business.

Excel (F:\drive\Ping\SPers\P&L\2004\November\8agar.xls)LN

City of Miami Beach
Parking Department
42nd Street Garage

8A Garage

December-03

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Monday	474	\$130.84
2	Tuesday	499	\$133.64
3	Wednesday	484	\$168.22
4	Thursday	520	\$141.12
5	Friday	503	\$146.73
6	Saturday	215	
7	Sunday	138	
8	Monday	520	\$173.83
9	Tuesday	504	\$190.65
10	Wednesday	505	\$186.92
11	Thursday	514	\$237.38
12	Friday	524	\$173.83
13	Saturday	226	
14	Sunday	142	
15	Monday	548	\$152.34
16	Tuesday	502	\$158.88
17	Wednesday	487	\$142.99
18	Thursday	469	\$128.97
19	Friday	510	\$143.93
20	Saturday	202	
21	Sunday	143	
22	Monday	289	\$137.38
23	Tuesday	29	\$123.36
24	Wednesday	341	\$54.21
25	Thursday	97	
26	Friday	298	\$27.10
27	Saturday	191	
28	Sunday	167	
29	Monday	591	\$229.91
30	Tuesday	563	\$242.06
31	Wednesday	498	\$191.59
	TOTAL	11693	\$3,415.88
Monthly Permit Revenue			\$35,760.00
TOTAL NET REVENUE			\$39,175.88

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	Dec. 2003 # of Meters	2002 December	2003 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	53,434.39	49,973.65	(3,460.74)	-6.48%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	5,268.89	6,178.33		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	0.00		
Total		57	5,268.89	6,178.33	909.44	17.26%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	54,536.87	51,864.44	(2,672.43)	-4.90%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	180.51	364.52	184.01	101.94%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,703.79	7,070.86	367.07	5.48%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	72,340.71	78,393.30	6,052.59	8.37%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	10,512.16	21,808.85	11,296.69	107.46%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	15,289.33	9,715.99	(5,573.34)	-36.45%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	1,924.42	2,800.67	876.25	45.53%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	2,407.36	2,105.11		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	2,407.36	2,105.11	(302.25)	-12.56%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	498.97	709.91		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	498.97	709.91	210.94	42.28%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	403.20	1,465.65	1,062.45	263.50%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,084.17	2,704.21	620.04	29.75%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	14,681.71	19,468.31	4,786.60	32.60%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	386.42	357.65	(28.77)	-7.45%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	8,826.94	15,427.00		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	0.00		
Total		190	8,826.94	15,427.00	6,600.06	74.77%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	54,160.49	64,452.52	10,292.03	19.00%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	134,718.71	115,986.00	(18,732.71)	-13.91%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	1,046.99	273.46		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	201.87		
		14	1,046.99	475.33	(571.66)	-54.60%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	23,355.38	21,228.39	(2,126.99)	-9.11%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	291.78	705.22	413.44	141.70%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	2,557.09	2,701.13		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	1,080.00		
		173	2,557.09	3,781.13	1,224.04	47.87%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,982.58	3,619.48	1,636.90	82.56%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	129.63	53.83	(75.80)	-58.47%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,530.51	1,491.42	(39.09)	-2.55%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	1,005.72	825.16	(180.56)	-17.95%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	30,648.61	25,595.78	(5,052.83)	-16.49%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	335.17	1,051.34	716.17	213.67%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	0.00	2.40	2.40	
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	66.12	20.84	(45.28)	-68.48%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,083.64	1,220.04	136.40	12.59%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	Dec. 2003 # of Meters	2002 December	2003 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	33.62	164.42	130.80	389.05%
9F - (75th & Collins) - Off Street	480-8000-344543	106	1,016.87	2,219.55	1,202.68	118.27%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	15,925.36	15,563.72	(361.64)	-2.27%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	20,833.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	20,833.33	6,250.00	42.86%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	35,785.92	33,891.66	(1,894.26)	-5.29%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	12,258.28	11,416.89	(841.39)	-6.86%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,532.31	4,079.56	547.25	15.49%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	7,595.46	7,536.85	(58.61)	-0.77%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	3,195.91	3,179.15	(16.76)	-0.52%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	#DIV/0!
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	5,045.62	3,273.11		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	5,045.62	3,273.11	(1,772.51)	-35.13%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	7,197.24	5,209.90		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	7,197.24	5,209.90	(1,987.34)	-27.61%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	7,441.81	9,539.15	2,097.34	28.18%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	14,994.89	13,980.19	(1,014.70)	-6.77%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	1,798.99	3,330.77	1,531.78	85.15%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	3,161.47	3,459.75	298.28	9.43%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	3,245.23	5,209.58	1,964.35	60.53%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	3,866.53	4,602.05	735.52	19.02%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	6,416.04	7,927.57	1,511.53	23.56%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	524.12	1,524.74		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	524.12	1,524.74	1,000.62	190.91%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	1,010.17	1,354.43		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	1,010.17	1,354.43	344.26	34.08%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	4,176.22	4,867.34		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	6,865.23	5,988.96		
Total		54	11,041.45	10,856.30	(185.15)	-1.68%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	47.80	127.88	80.08	167.53%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	1,161.96	1,911.03		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	1,161.96	1,911.03	749.07	64.47%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	10,855.63	14,922.15		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	0.00	0.00		
Total		449	10,855.63	14,922.15	4,066.52	37.46%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,194.44	1,030.65	(163.79)	-13.71%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	2,227.74	3,008.61		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	0.00	173.83		
Total		158	2,227.74	3,182.44	954.70	42.86%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	Dec. 2003 # of Meters	2002 December	2003 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	600.03	3,488.14		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	600.03	3,488.14	2,888.11	481.33%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	0.00	0.00	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	13.51	22.96	9.45	69.95%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	4,618.05	5,580.80	962.75	20.85%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	519.45	343.90	(175.55)	-33.80%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	365.30	185.01	(180.29)	-49.35%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	406.93	536.30	129.37	31.79%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	355.10	256.92	(98.18)	-27.65%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	886.63	1,578.41	691.78	78.02%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	22,201.91	19,692.17		
10X - (Lincoln Lane & Lenox - Attended)	480-8000-344582	0	0.00	0.00		
Total		99	22,201.91	19,692.17	(2,509.74)	-11.30%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	132.09	75.33	(56.76)	-42.97%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	82.14	407.50	325.36	396.10%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	2,907.15	3,279.23		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,406.55		
		39	2,907.15	6,685.78	3,778.63	129.98%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,973.53	2,317.50	(656.03)	-22.06%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	4,047.30	4,573.11	525.81	12.99%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	113.14	81.43	(31.71)	-28.03%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	29.92	30.14	0.22	0.74%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	5,482.22	4,054.85		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	4,616.82		
		108	5,482.22	8,671.67	3,189.45	58.18%
4th & Alton Lot - Off Street	480-8000-344604	21	454.70	0.00	(454.70)	-100.00%
4A - 1833 Bay Road	480-8000-344608	0	0.00	0.00	0.00	#DIV/0!
7D - 10-11th & Collins (Lease)	480-8000-344529	0	6,250.00	6,250.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	1.82	0.00	(1.82)	-100.00%
14A - 16th Street & Washington (Lease)	480-8000-344555	0	20,833.33	20,833.33	0.00	0.00%
TOTAL		8,305	750,824.70	782,854.55	32,029.85	4.27%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: DECEMBER 2003**

VENDOR	\$10	\$25	\$25 CARDS W/10% DISCOUNT \$22.50	MACHINE SALES \$ AMT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS W/10% DISCOUNT \$18	TOTALS
BAY SUPERMARKET	0	0	0			0	0	\$0.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	0			0	0	\$0.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	71	76			0	0	\$3,485.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	90			0	0	\$2,025.00
NEWS CAFE	0	0	0			0	0	\$0.00
PARKING DEPARTMENT	0	242	119		\$0.00	0	0	\$8,727.50
PARKING DEP.(GARAGES)	0	4	0			0	0	\$100.00
PUBLIX SUPERMARKET	0	0	2940			0	0	\$66,150.00
BEACH BANK	0	0	0			0	0	\$0.00
PRKG MACHINE - CASH	0	0	0	\$2,175		0	0	\$2,175.00
PRKG MACHINE - CREDIT	0	0	0	\$1,385		0	0	\$1,385.00
ZELICK'S TOBACCO	0	0	0			0	0	\$0.00
WOLFSONIAN	0	0	0			0	0	\$0.00
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	317	3,225	N/A	N/A	0	0	3,542.00
TOTAL \$ AMOUNT	\$0.00	\$7,925.00	\$72,562.50	\$3,560.00	\$0.00	\$0.00	\$0.00	\$84,047.50

Excel (F:\drive\Ping\Pers\P&L\2004\December\Debitcrd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: OCTOBER 2003 - DECEMBER 2003

VENDOR	\$10	\$25	\$25 CARDS W/10% DISCOUNT \$22.50	MACHINE SALES \$ AMT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS W/10% DISCOUNT \$18	TOTALS
BAY SUPERMARKET	0	0	30			0	0	\$675.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	20			0	0	\$450.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	212	176			0	0	\$9,260.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	140			0	0	\$3,150.00
NEWS CAFE	0	0	0			0	0	\$0.00
PARKING DEPARTMENT	0	614	362		\$0.00	0	0	\$23,495.00
PARKING DEP.(GARAGES)	0	4	0			0	0	\$100.00
PUBLIX SUPERMARKET	0	0	7150			0	0	\$160,875.00
BEACH BANK	0	0	30			0	0	\$675.00
PRKG MACHINE - CASH	0	0	0	\$6,075		0	0	\$6,075.00
PRKG MACHINE - CREDIT	0	0	0	\$6,215		0	0	\$6,215.00
ZELICK'S TOBACCO	0	0	42			0	0	\$945.00
WOLFSONIAN	0	0	25			0	0	\$562.50
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	830	7,975	N/A	N/A	0	0	8,805.00
TOTAL \$ AMOUNT	\$0.00	\$20,750.00	\$179,437.50	\$12,290.00	\$0.00	\$0.00	\$0.00	\$212,477.50

Excel (Fdrive/Ping/\$Pers/P&L/2004/November/Debitytd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage

PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	428,976.87
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,900.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	165,480.00
17th St. REVENUE		186,359.54	225,065.37	201,931.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	613,356.87
(Sales Tax Excluded)														
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49,273.04
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	130,626.38
FP&L		6,473.39	6,473.39	6,473.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,420.17
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.01
Armed Guard Revenue Pickup		420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,260.00
Elevator Maintenance		738.00	613.00	613.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,964.00
Landscape and Lot Maintenance		108.33	108.33	108.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	324.99
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,993.24
17th St. EXPENSES		72,145.78	79,528.88	72,187.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	223,861.83
17th St. PROFIT/(LOSS)		114,213.76	145,536.49	129,744.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	389,495.04
(fdrivePing\$Per\$P&L/2004/17thstgs.xls)														

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. REVENUE		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
(Sales Tax Excluded)														
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	485.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,885.98
17th St. EXPENSES		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage

PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	58,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. REVENUE (Sales Tax Excluded)		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	51,985.98
17th St. EXPENSES		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81
(F&L)Profit/Per/(L&L)2003/17thStGa-Ms														

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
17th St. REVENUE (Sales Tax Excluded)		148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166,441.80	167,712.96	2,185,443.09
Expenses														
Security Personnel		12,311.04	12,073.41	11,853.44	12,243.49	12,871.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
Attendant/Cashier Labor		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,985.22	421,846.26
FP&L		5,519.53	5,106.15	5,446.66	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
17th St. EXPENSES		60,848.41	54,116.90	54,360.76	58,243.57	69,408.59	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	728,559.30
17th St. PROFIT/(LOSS)		87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.18	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409,612.74
Revenue-Monthly Permits	142-8000-344404	13,060.00	13,237.50	13,462.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	39,750.00
Expenses														
Security		152,979.56	153,079.56	143,703.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	449,362.74
Attendant/Cashier Labor		21,049.40	21,816.06	24,181.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67,046.55
Landscaping Maintenance		17,797.52	17,668.48	17,422.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52,888.60
FP&L		918.67	1,114.00	918.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,951.34
Revenue Control Equipment Maintenance		3,067.37	3,067.37	3,067.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,202.11
Garage Cleaning/Maintenance		700.00	700.00	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00
Armed Guard Revenue Pickup		4,864.00	4,699.00	4,765.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,328.00
Elevator Maintenance		420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,260.00
Surveillance System Maintenance		1,729.00	1,202.00	2,271.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,202.50
7th St. EXPENSES		534.60	534.60	744.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,813.80
7th Street Estimated Debt Service		51,080.56	51,221.51	54,490.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	156,792.90
7th St. PROFIT/(LOSS)		59,500.00	59,500.00	59,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	178,500.00
		41,999.00	42,368.05	29,712.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	114,069.84

(FdrivePig\$PerP&L/2004/Inst.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
Expenses														
Security		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Attendant/Cashier Labor		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Landscaping Maintenance		16,755.52	25,273.02	16,806.12	17,276.43	16,684.70	17,684.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,385.42
FP&L		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
Revenue Control Equipment Maintenance		2,687.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Armed Guard Revenue Pickup		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,616.50
Elevator Maintenance		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Surveillance System Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,336.44	1,180.88	1,180.88	1,295.00	13,948.92
7th St. EXPENSES		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
7th Street Estimated Debt Service		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th St. PROFIT/(LOSS)		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,102.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
Expenses	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Security														
Attendant/Cashier Labor		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Landscape Maintenance		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
FP&L		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	9,840.00
Revenue Control Equipment Maintenance		2,667.70	2,747.44	2,709.51	2,462.61	4,749.69	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	27,530.02
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	36,808.44
Armed Guard Revenue Pickup		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	8,400.00
Elevator Maintenance		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	58,615.50
Surveillance System Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	6,054.62
7th St. EXPENSES		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	13,948.92
		48,997.46	57,251.34	48,247.83	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	667,178.59
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
Expenses	7th St. REVENUE (Sales Tax Excluded)	114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Security														
Attendant/Cashier Labor		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,881.17	15,769.28	17,513.64	22,057.41	25,511.88	22,611.97	212,955.12
Landscape Maintenance		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,367.45	15,943.55	15,952.92	16,684.59	17,149.19	194,030.17
FP&L		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	9,840.00
Revenue Control Equipment Maintenance		3,153.54	2,599.76	2,734.67	2,964.55	2,773.25	2,567.84	2,733.33	2,574.07	2,891.16	2,700.17	2,849.96	3,069.84	11,808.00
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	33,632.14
Armed Guard Revenue Pickup		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	8,400.00
Elevator Maintenance		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	58,368.00
Surveillance System Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	6,206.16
7th St. EXPENSES		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	11,820.00
		42,244.20	42,636.70	41,810.05	43,570.68	42,425.98	44,072.55	43,531.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. PROFIT/(LOSS)		13,122.48	19,546.31	59,250.08	67,595.50	51,467.76	151,318.89	82,707.70	75,157.19	49,766.30	68,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	401,167.36
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	15,960.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51,120.00
17th St. REVENUE (Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	452,287.36
Expenses														
Security Personnel		1,404.71	738.66	880.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,023.74
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65,568.54
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.01
Landscape and Lot Maintenance		502.67	502.67	502.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,508.01
FP&L		391.48	391.48	391.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,174.44
17th St. EXPENSES		24,792.38	27,530.42	23,951.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,274.74
17th St. PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	376,012.62

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
17th St. REVENUE (Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,265.92	20,813.79	255,250.95
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th St. EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	25,062.35	308,995.09
17th St. PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A	Revenue-Ticket	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue-Monthly Permits	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses	Security Personnel	1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
	Attendant/Cashier Labor	17,939.85	30,340.05	19,483.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,263.92	20,813.79	255,250.95
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,359.04
	Landscaping and Lot Maintenance FP&L	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
17th St. EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	391.48	4,697.76
17th St. PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Parking Lots - 5A	Revenue-Ticket	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.06	119,953.85	116,868.05	108,329.32	115,012.11	102,521.07	1,408,608.58
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue-Monthly Permits	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200,280.00
	17th St. REVENUE (Sales Tax Excluded)	102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,668.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses	Security Personnel	857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
	Attendant/Cashier Labor	17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
	Landscaping and Lot Maintenance FP&L	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
17th St. EXPENSES		20,920.91	19,617.69	21,206.94	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,699.53	270,107.64
17th St. PROFIT/(LOSS)		81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,156.98
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,360.00
12th St. REVENUE (Sales Tax Excluded)		31,580.74	30,445.79	29,490.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91,516.98
Expenses														
Security Personnel		8,219.46	8,644.80	9,107.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,171.67
Attendant/Cashier Labor		7,247.06	7,241.85	7,200.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,688.98
FP&L		108.54	108.54	108.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	325.62
Elevator Maintenance		125.00	125.00	125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	375.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,614.00
12th St. EXPENSES		17,240.83	17,852.69	18,061.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,175.27
12th St. PROFIT/(LOSS)		14,339.91	12,593.10	11,408.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38,341.71

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
12th St. REVENUE (Sales Tax Excluded)		29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,729.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,487.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	96.53	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.73	1,605.73	1,605.73	1,605.73	1,605.73	1,605.73	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
12th St. EXPENSES		17,133.53	20,325.41	16,858.18	19,916.29	16,979.13	17,124.52	18,715.48	16,833.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. PROFIT/(LOSS)		12,015.28	11,840.61	15,603.17	12,220.58	16,028.26	27,714.97	15,640.38	21,842.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	35,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.56
Revenue Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
Expenses	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.56
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,186.92	8,233.17	10,238.91	8,237.08	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.67	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	98.60	188.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,552.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
12th St. EXPENSES		17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,286.61	17,691.55	221,294.46
12th St. PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

(F&L Profit/Loss 2002/2003)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
12th St. Garage-2A Revenue-Ticket	480-8000-344504	19,351.18	20,201.87	24,554.47	26,555.85	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
Revenue Monthly Permits	480-8000-344593	8,040.00	6,960.00	8,160.00	8,160.00	5,100.00	5,260.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
Expenses	12th St. REVENUE (Sales Tax Excluded)	27,391.18	27,161.87	32,714.47	34,715.85	32,869.02	49,062.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Security Personnel		5,626.00	5,847.95	4,077.36	6,053.88	5,471.53	5,445.92	5,456.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
Attendant/Cashier Labor		6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,145.55	6,900.04	6,960.83	82,013.56
FP&L		73.28	88.02	82.31	85.34	77.11	68.73	64.09	56.51	60.30	60.94	49.38	105.95	871.96
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
12th St. EXPENSES		13,779.26	13,980.96	12,922.21	14,927.83	13,766.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
12th St. PROFIT/(LOSS)		13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,889.40	17,246.73	16,020.17	7,544.14	216,282.25

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	135,619.64
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23,940.00
Expenses	13th St. REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	48,620.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	159,559.64
Security Personnel		9,865.08	10,533.80	10,736.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31,135.13
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45,971.40
Landscape Maintenance		216.67	216.67	216.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	650.01
FP&L		1,404.98	1,404.98	1,404.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,214.94
Revenue Control Equipment Maintenance		0.00	750.00	750.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
Elevator Maintenance		737.00	312.00	312.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,361.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,260.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,383.00
13th St. EXPENSES		29,397.62	30,483.16	30,592.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90,475.48
13th St. PROFIT/(LOSS)		26,730.72	24,325.70	18,027.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69,084.16

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
Expenses	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,536.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. EXPENSES		28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.86	377,062.99
13th St. PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,862.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,053.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
13th St. REVENUE		52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
(Sales Tax Excluded)														
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscaping Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,653.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	0.00	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. EXPENSES		28,516.02	36,205.39	28,962.74	32,752.54	29,690.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
13th St. PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	35,859.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,900.00	8,220.00	98,640.00
13th St. REVENUE		45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
(Sales Tax Excluded)														
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.67	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,999.64	14,581.81	14,755.44	14,769.62	172,258.53
Landscaping Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
13th St. EXPENSES		24,081.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,098.14	31,322.21	29,687.43	319,538.11
13th St. PROFIT/(LOSS)		20,998.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage

PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	247,930.61
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,856.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67,200.93
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	78,000.00
16th St. REVENUE		123,191.13	133,733.31	136,207.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	393,131.54
(Sales Tax Excluded)														
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35,996.49
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	47,769.29
FP&L		3,800.00	3,800.00	3,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,400.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,325.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,260.00
Elevator Maintenance		1,278.82	1,743.82	155.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,177.64
Landscape and Lot Maintenance		164.67	152.00	164.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	481.34
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,772.40
Sanitation (Waste Removal)		171.54	171.64	171.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	514.71
Fire Alarm Service		250.00	250.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
16th St. EXPENSES		38,100.66	36,459.11	37,887.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	112,446.87
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	280,684.67

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
16th St. REVENUE		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
(Sales Tax Excluded)														
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
16th St. EXPENSES		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
16th St. PROFIT/(LOSS)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

[illegible][illegible]

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
42nd St. REVENUE (Sales Tax Excluded)		38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,556.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
Revenue Control Equipment Maintenance		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
42nd St. EXPENSES		16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
42nd St. PROFIT/(LOSS)		22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

495

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	1,601.89	1,333.32	1,521.14	1,880.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.34
Revenue-Monthly Permits	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,300.00	17,040.00	18,120.00	17,760.00	18,660.00	18,300.00	36,360.00	35,700.00	256,670.00
Expenses	42nd St. REVENUE (Sales Tax Excluded)	23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	38,628.56	37,582.57	280,506.34
Security Personnel		5,780.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,768.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.68
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.76
FF&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,655.88	1,650.65	1,629.72	1,358.53	1,597.13	17,944.47
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.00
42nd St. EXPENSES		11,597.11	13,418.99	12,087.10	12,300.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.64	18,275.13	17,421.90	171,004.91
42nd St. PROFIT/(LOSS)		11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.43



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: MAYOR & COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANAGER

MURRAY DUBBIN
CITY ATTORNEY

FROM: RICHARD STEINBERG *RLS/dm*
COMMISSIONER

DATE: February 3, 2004

RE: For Your Information- Miami Dade Homeless Trust Board
January 23, 2004 Meeting Minutes

Attached please find the minutes for the January 23, 2004 meeting of the Miami Dade Homeless Trust Board for your information and review.

RLS/dm

RECEIVED
04 FEB -3 AM 9:41
CITY OFFICE

Agenda Item C1
Date 2-25-04

**MIAMI-DADE COUNTY HOMELESS TRUST BOARD
MEETING MINUTES
JANUARY 23, 2004**

The following members were in attendance:

Hilda Fernández for Mayor Alex Penelas, Chair
Ronald L. Book, Esq.
Ben Burton for Dr. Juanita de la Cruz
Rondy Johnson
Bradley Simon for Joe Arriola
Commissioner Richard Steinberg
Olga Golik for Yvonne Grassie, Esq.
Shelley Llorente

Cleveland Bell, III
Alina Pérez for Judge Steven Leifman
James V. Parker for Merritt Stierheim
Victoria Alce for Jerry Coleman
Robert V. Koch for Judge Jeffrey Rosinek
Kametra Driver
Elizabeth Von Werne for Marguerite Schantz
David Mulder for Danny Alvarez

The following persons were in attendance:

Cristina Garcia-Menocal
Chuck Resnick
Mark Buchbinder
Dr. Oren Wunderman
Dan Vincent
Howard Rubin
Stephanie Berman
Oren Wunderman
Pedro Martinez
Curtis Taylor
Jean Eveillard
Lazaro Trueba

Thomas F. Fleischmann
David Raymond
Alicia Apfel, Esq.
Cynthia Johnson-Stacks, Esq.
David Raymond
Julie Edwards
Cesar Deville
Terrell Thomas
L. Alex Perez
Kimberley Green
Maggie Olano

WELCOME AND INTRODUCTIONS

Ms. Hilda Fernández called the meeting to order at 10:38 a.m. Ms. Fernández stated, for the record, that there was a quorum. Self-introductions were made and Ms. Fernández then proceeded to consider the meeting agenda.

APPROVAL OF MINUTES

Ms. Fernández asked if there were any questions or comments concerning the December meeting minutes. Not being any, Mr. Cleveland Bell made a motion for the approval of the minutes. Mr. James Parker seconded the motion. All members present approved the motion set forth unanimously.

FAMILY RESOURCE CENTER

HOMELESS HOUSING ASSISTANCE GRANT REPAYMENT

David provided members and guests with an update of the recent litigation involving the City of Miami and Family Resource Center (FRC) that was appealed by the City of Miami to the Florida Supreme Court and the progress of the Homeless Housing Assistance Grant re-payment negotiations. Staff was directed to and has had ongoing discussions with Family Resource Center senior staff and Ms. Johnson-Stacks to resolve this matter, negotiate a repayment plan, and research whether or not relief can be sought through FRC's insurance. David announced that in the meeting package is the Florida Supreme Court Order denying Certiorari to the City of Miami appeal for re-hearing. The matter was recently set for a hearing in the lower court for a final order to be issued on January 28th, however, the City of

Miami may still seek relief in the Federal Court System. At a recent meeting with the Trust Finance Chair, Mr. Ronald Book, David Raymond, Miami Mayor Manny Diaz, and City Manager Joe Arriola many concerns regarding this project and others were discussed. There was an extensive discussion at the Executive Committee meeting concerning this matter. After careful consideration and discussions with Tom Pierce of the State Office and Bryan Finnie of Office of Community and Economic Development (OCED, it was determined that the Trust will accept the repayment proposal made by FRC with the caveat that when a new agency takes over the project and the property, pursuant to an RFP, FRC's monthly payments will be doubled so that full payment is completed within eighteen months. Although the project has lost some funding, it will retain \$268,000 of the Homeless Assistance Grant award and \$311,000 CDBG funds. David also informed members that the agency has the option of applying for new SHP funding if the project is converted to a permanent housing project. David stated that the Executive Committee approved staff's recommendation to move forward with the RFA with the award to another agency contingent upon no further legal action is taken by the City of Miami against the property. Further, that the transfer of the property would take place between FRC and the successful bidder.

Staff, at the direction of this Board, met with Ms. Johnson-Stacks in conjunction with Family Resource Center and their legal representation to exhaust all remedies available concerning the claim denial and appeal of their Errors and Omission Policy. Ms. Johnson-Stacks explained, that after further researching the request of the Board, neither the Homeless Trust nor the County has a valid legal claim because neither is named as an additional insured on the Family Resource Center policy. There was an extensive discussion concerning the provisions of the RFA and the execution of the re-payment agreement and after careful consideration and multiple clarifications, it was the recommendation of the Board that the following action be taken in the matters of the Request for Applications to replace the project sponsor and the execution of the re-payment agreement between FRC to the Homeless Trust:

- Matters concerning the Request for Applicants to replace project sponsor:
 - ▲ Authority for staff to begin the competitive process and issue a Request for Proposals to select a replacement project sponsor with the instructions and provisions set forth as follows:
 - ◆ That prior to the transfer of the property from FRC to a successful bidder, there is no further legal action against Family Resource Center and or the property specifically by the City of Miami and a free and clear property title exists.
 - ◆ That there is a provision in the RFA that clearly states the pending resolution of the present legal issue.
 - ◆ Architect, Bob Chisholm, may allow agency rights to architectural plans to new sponsor, noting changes in city codes and permits, provided that his services for architectural work is retained in the future. It is however optional for an agency to utilize these plans and Mr. Chisholm's services. These plans will be referenced in the RFA only.

Mr. Book made a motion to approve staff moving forward with the RFA with the recommendations made. Ms. Elizabeth Von Werne seconded the motion. The question was called, all members present approved the motion unanimously.

Mr. Book made a motion to expedite Request for Proposals in order to meet time constraints, that Selection Committee Recommendations, unless there is an objection or appeal initiated by an applicant, the recommendations need not come back to this Board, that staff may proceed with the recommendations pending the County Manager's approval. The Board will ratify Selection Committee and staff recommendations retroactively. Ms. Elizabeth Von Werne seconded the motion. Extensive dialogue took place regarding this issue. Board members and David expressed concerns regarding this departure from the usual process. The Board discussed the rationale for this strategy, the need to expedite this process, and voted unanimously to pass this motion under his unique circumstance. Board members will be invited to the Selection Committee meeting.

➤ Settlement Agreement between Family Resource Center and the Homeless Trust:

- ◆ Authorize completion of agreement and negotiation process with the following conditions:
 - ◆ That there is clause in the agreement that specifically includes the conditions of the accelerated payments modification from the regular payments and that it outline the timelines.
 - ◆ That there be a waiver of judicial process by FRC thereby assuring the Trust's ability to enforce this agreement and for out attorney to explore this course of action.
 - ◆ That this agreement be reviewed and approved by the Finance Chair before it's execution.

Mr. Ron Book made a motion to approve staff move forward with the FRC settlement agreement with the recommendations made and authorized the Executive Director and Trust attorney to negotiate the final settlement agreement with FRC. Commissioner Richard Steinberg seconded the motion. The question was called, all members present approved the motion unanimously.

SUNSET REVIEW OF THE HOMELESS TRUST BOARD

David Raymond stated that included in the meeting package is the Sunset Review of the Homeless Trust Board. This is a bi-annual ordinance required document that is utilized to justify the existence of the Board. Within the document is included the accomplishments of the Board since its establishment and the criteria ensuring that the Board is meeting the needs of the community. This is a time sensitive document that after the approval of this Board, it will be presented to the County Manager and the County Commission. This has been approved by the Executive Committee with a noted correction and is presented today for ratification. There were some questions and comments among members. Also, there was noted a typographical error noted on page three and it was agreed a modification should be made under "Composition of the Board," within the Greater Miami Chamber of Commerce section; it should be modified to clarify that representatives of the judicial field are included in this appointing entity. Mr. Ron Book made a motion to ratify the Sunset Review within the noted corrections and modifications. Mr. Bradley Simon seconded the motion. All members present approved the motion set forth unanimously.

CONSOLIDATED STATE RFA

David Raymond provided members and guests a brief description of prior year's Consolidated RFA applications. Miami-Dade is the lead agency for this State funding. This application encompasses several programs. David continued by providing a detailed account of the grants, amounts, disbursements, grant utilization, and timing strategies. The competitive grants composed of the

Challenge Grant and the Homeless Housing Assistance Grant (HHAG). The direct State appropriations grants are composed of the Grant-In-Aid and the Alcohol, Drug Abuse, and Mental Health (ADM) funding. The language in the RFA will be flexible enough as to adjust to changing priorities. These amounts are based on an estimation based on prior funding. David then expressed appreciation for Mr. Ronald Book's funding advocacy in the State Legislature. Consequently, in anticipation of the State budget approval and dependent on State appropriations, priorities, and competitive processes, local DCF district contracting processes, and the issuance of a competitive process by the State Office on Homelessness, staff is requesting that this Board ratify the action of the Executive Committee and authorize staff to move forward with the issuance of a Consolidated RFA for the State Challenge, HHAG, ADM, and Grant-In-Aids programs based on the priorities and stipulations described. Mr. Ron Book made a motion to ratify the action of the Executive Committee authorizing staff to move forward with the Consolidated RFA. Mr. Cleveland Bell seconded the motion. All members present approved the motion set forth unanimously.

2003 & 2004 HUD SUPERNOFA:

David Raymond stated that as announced at the December Board meeting, the 2004 SuperNOFA grant award for Dade County is \$15,434,168, this is an increase of \$1.1 from last year. There were 50 renewals and 2 new projects funded in total. There was an official announcement in Washington, D.C. on December 19th. Thanks to the efforts of Andrea Robinson of the Miami Herald, who has been following closely the efforts made by the Homeless Trust and its providers, the Trust has received positive press. David referred members to the articles in the meeting package, wherein there was a special feature with Ms. Tina Wade of the KIVA Program of Citrus Health Network. Other articles appeared in the Sun Sentinel, and Miami Today. David stated that there is a concern regarding Carrfour's Del Prado project, however, that staff is working in conjunction with Maria Barcus to determine how to make up the deficit this project now has as a result of a funding reduction. David stated that this is an informational item and does not require any action.

CPHI REPORT

Mr. Dan Vincent announced a 62% outplacement at the North HAC and a 69% at the South HAC, and a Life-to-Date outplacement of 57.9%. The new Culinary Arts Program has been successful with seven (7) graduates. There have been 117 job placements in the last four weeks. Also, that due to the cold weather last week they have had 241 placements, 80 in December beyond their capacity. The cold weather accommodations have been extended throughout the weekend as well. The additional expenses, related to additional food and staff costs are going to be a financial concern if the cold weather continues.

APPLE TREE PERSPECTIVE REPORT

Alicia Apfel reviewed the highlights of the written report in the meeting package, specifically the projects that are almost finished and the ones that are having difficulties. Of particular interest was Fellowship House, which is ready to accept referrals and Camillus House of South Dade, which is 95% finished. Also, that there are persistent delays with Villa Aurora and the City of Miami zoning issues. Ms. Apfel stated that this issue was discussed at the City of Miami meeting with the manager and the mayor. A letter and supporting documentation was submitted to Mr. Arriola in an attempt to resolve the permitting and move this project forward.

ECONOMIC INDICATOR REPORT

Tax Collection Report for the Most Recent Collection Period: Mr. César Deville stated that there was a 18.32% increase in tax earnings for the month of December 2003 (as compared to the same period last year). Our current year-to-date actual collection stands at 11.51% greater than the previous fiscal year. The total revenue collection to date is \$2,183,681.91.

Local, State, and National Unemployment Rates: National average has decreased slightly at 5.7 for December 2003. The State average has decreased to 4.7 % from 4.8% in October 2003. The Miami-Dade County, unemployment average has also decreased to 6.6% for November from 6.7% in October.

Utilization Analysis for Homeless Help Line: The Homeless Helpline received a total of 1,509 calls for November 2003, totaling 3,209minutes, with the average call being 2.13 minutes.

EXECUTIVE DIRECTOR'S REPORT

Deferred to next meeting.

OTHER ITEMS

Hotel/Motel Assistance: David stated that during the budget process the amount in this fund was raised to \$50,000. At this time staff is considering utilizing written agreements to formalize this process with the outreach teams. There was some discussion among members. Mr. Ron Book made a motion to approve staff recommendation and to also add a mechanism that addresses the issuance of food vouchers. Mr. Book also directed staff to determine mechanisms to assure the appropriate use of these funds. Mr. James Parker seconded the motion. David stated that a meeting with the outreach teams will be scheduled to address policies concerning this process. The question was called; the motion was approved unanimously.

Ms. Fernández asked if there was any further business, questions, or comments. Not be any further business, the meeting was adjourned at 11:56 a.m.


**Ms. Hilda Fernández for
Mayor Alex Penelas, Chairman**



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR AND COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANGER

FROM: MATTI H. BOWER
COMMISSIONER 

DATE: February 5, 2004

RE: For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the January 14, 2004 PACT Construction Committee Meeting and the January 15, 2004 PACT Board Meeting. I have also included the Construction Progress Report for February 3, 2004 and the agenda for the upcoming February 10, 2004 PACT Board Meeting.

MB/lw

04 FEB - 5 PM 4:08
OFFICE

Agenda Item C2
Date 2-25-04

1 **Performing Arts Center Trust**
2 **Construction Committee Minutes**
3 **January 14, 2004**
4 **5:00 PM**

5
6 A meeting of the Performing Arts Center Trust Construction Committee was held
7 in the PACT Conference Room, 1444 Biscayne Blvd., Suite 202.

8
9 In Attendance: Tim Ackert, Ola Aluko, Stan Arkin, Ron Austin, Roger Carlton,
10 Tom Derrington, Roberto Espejo, Michael Hardy, Elaiza Irizarry, Bill Johnson,
11 Judy Litt, Danny Parmenter, Willie Peña, John Poland, Steve Pollock, Dan
12 Ricker, Valerie Riles Robinson, Mercedes Sosa, Parker Thomson, Gail
13 Thompson, Randolph Volenec and Vladimir Vukovic

14
15 Performing Arts Center Trust Construction Committee Chairman, Stan Arkin
16 called the meeting to order.

17
18 **Construction Status**

19
20 **Ballet/Opera House** - Danny Parmenter reported that all clips which support the
21 curtainwall glass have been installed and installation of glass panels will start in
22 early February. On the north side in the back-of-house area the exterior stone
23 installation is in progress on the intermediate level. Concrete and masonry work
24 is continuing in the lobby areas, the colonnade in front of the lobby and at the
25 roof in preparation for the curtainwall attachment.

26
27 **Art Deco Tower** – Installation of mechanical, electrical and plumbing rough-ins is
28 ongoing. The exterior masonry should also be complete and roofing work will
29 begin in February.

30
31 **Symphony Hall** – Steel erection is continuing and is almost finished in Zone 2
32 and Zone 4. The Symphony Hall's curtainwall installation will begin after the
33 installation of the curtainwall for the BOH is complete. The stone on the back-of-
34 house area is scheduled to begin in March. Concrete and masonry will continue
35 in the back-of-house area around the reverberation chambers. Slabs are going
36 down in the orchestra level.

37
38 **Major Milestones**

39
40 Danny Parmenter reported that steel erection should be finished in the
41 Symphony Hall near the end of next month. Steel erection in the Ballet/Opera
42 House should be complete by March.

43
44 Stanley Arkin asked about the status of the roofs. Danny responded that the
45 Symphony Hall slabs are already being formed. As soon as the curve of the
46 curtainwall is finished, PACB will start working on the slabs of the Ballet/Opera

47 House over the audience chamber. PACB will start roofing the highest areas
48 only. The lower roofs cannot be started until the stone installation is complete on
49 the upper levels.

50
51 Change Orders

52 Mercedes Sosa reported that PACMO will be taking several change orders to the
53 Miami-Dade Board of County Commissioners in March.

54
55 PACMO and PACB have been involved in mediation. Approximately 254
56 change order requests were steel-related. To date \$4.3 million has been
57 resolved through mediation, with Miami-Dade agreeing to pay \$2.925 million.
58 Change authorizations that are completed are charged to the \$6 million change
59 allowance approved by the BCC last year.

60
61 Gail Thompson will give the Construction Committee more detailed information
62 concerning the \$2.925 million settlement at the February meeting.

63
64 Quality Control Report

65 Mr. Parmenter reported that a quality team meeting occurred earlier in the week.
66 Stanley Arkin asked about the recasting of the reverberation chamber doors. A
67 new "sample" door has been fabricated as a standard for the 44 reverberation
68 chamber doors that are slated to be recast. PACB's sub-contractor is also
69 implementing repairs for the 40 remaining doors. The doors are scheduled to be
70 installed in late April. Gail Thompson reminded PACB that one reverberation
71 door should be mocked-up in place. Mr. Parmenter will notify PACMO of the
72 specific date when it is scheduled to occur.

73
74 Design Issues

75 Randy Volenec reported that CP & A is continuing to review and respond to
76 requests for information (RFI's), doing submittal reviews, responding to
77 deficiency notices and are preparing change order requests (COR's) for
78 evaluation. CP&A will continue on site observations especially those related to
79 quality control issues.

80
81 Roberto Espejo reported that stone installation is going well. CP&A recently
82 approved the production and delivery of the cast stone pieces that are in concert
83 with the stone.

84
85 CP&A inspected the columns before the curtainwall brackets were installed and
86 is very pleased with the welding work.

87
88 Mr. Espejo also reported that several APP mock-up sessions are scheduled for
89 the next three weeks. Stanley Arkin commented that representatives from the
90 Resident Companies and members of the Trust would like to attend the sessions.
91 Willie Peña informed the Committee that Robert Zakanitch will be in Miami next
92 month to present the organ scrim mock-up.

93
94 Gail Thompson stated that a meeting to review exterior and interior finishes with
95 CP&A will be scheduled for next month. Trust staff and Board members will be
96 notified of the meeting date and time.
97

98 **Mediation**

99 Gail Thompson reported that items that need to be mediated include a \$6.5
100 million detailing cost with steel that will be discussed at the next mediation
101 session, which is scheduled for Friday, January 23, 2004. The need for
102 conformed drawings will also be discussed at the session.
103

104 Additional mediation items include mechanical electrical and plumbing (MEP)
105 COR's. The MEP COR's total approximately \$2.7 million and are currently
106 undergoing an internal evaluation by PACMO. After that review the items will go
107 to mediation in February. The 250-day delay issue will probably be discussed as
108 part of mediation in approximately two months. The issue will ultimately go
109 before the Dispute Resolution Board.
110

111 The contractor has agreed to continue delaying the Dispute Resolution Board
112 (DRB) meetings in order to allow the mediation process to proceed. Many items
113 are being resolved in-house prior to mediation. Bill Johnson stated that members
114 of the DRB will be in town next week for a briefing. The DRB will resume
115 meeting sometime in late spring. The 250-day delay will be the major issue.
116

117 Gail Thompson added that in addition to the \$2.925 million mediation payment
118 being taken to the Board of County Commissioners in March there are other
119 items. Those items include an amendment to the CP&A, Artec and FDA
120 professional service agreements. The PACT/PACF amendment to the
121 cooperative and operating agreements will be included as well. The approval of
122 the CP&A amendment is extremely important. The last amendment was in
123 January of 2003 in the amount of \$3.3 million, which has been expended.
124

125 PACMO will distribute a full package to Construction Committee members
126 describing the proposed items to be taken to the February 11th Recreation and
127 Culture Committee meeting prior to the February Construction Meeting.
128

129 **Schedule Status**

130 Tim Ackert reported that during the October mediation session, PACB, PACMO
131 and CP&A agreed to prepare a revised completion schedule for the project. A
132 draft was distributed for review at a meeting yesterday. The dry-in of the facility
133 will probably occur in October or November of this year. The time from dry-in to
134 substantial completion for a performing arts center is on average approximately
135 18 months. All parties hope to have the revised schedule complete by January
136 30, 2004.
137

138 URS will monitor the critical path in order to ensure that there is not additional
139 slippage in the schedule. URS will also identify items that will affect the critical
140 path and will continue to evaluate potential methods for schedule improvement
141 that would not compromise quality. Gail Thompson will ensure that Artec and
142 FDA's input will be included when developing the final schedule.

143

144 Several months ago Michael Hardy prepared a detailed document, which he
145 provided to PACB that describes how many days before substantial completion
146 Trust staff needs to be in various parts of the building. He will resend the
147 operational data to all necessary parties updated with current information.

148

149 Roger Carlton asked what is being done to ensure there will not be anymore
150 slippage once the revised schedule has been approved. The issue will be
151 discussed at the January 23 mediation meeting.

152

153 Vladimir Vukovic asked about the status of the soundproof door. Gail Thompson
154 responded that the structural work has been completed so that it can be installed
155 if funding for the door becomes available later in the project. In initial discussions
156 it was decided that the Opera, the Trust and the Foundation would fund the
157 compensating lift, the donor wall and the soundproof door. So far, only the
158 funding necessary for the compensating lift and donor wall has been committed.

159

160 Bill Johnson requested that the Resident Companies, CP&A, Artec and FDA
161 meet and determine which items remain as part of the project's budget. Gail
162 Thompson will coordinate the meeting.

163

164 Gail Thompson and Bill Johnson will make a presentation to the Miami-Dade
165 County Parks and Cultural Affairs Committee chronicling the financial history of
166 the project. A color copy of the presentation will be given to all Trust members
167 at this month's meeting.

168

169

170 Meeting adjourned.

171

172

**Minutes of the Board
Performing Arts Center Trust
Thursday, January 15, 2004
Carnival Symphony Hall**

A meeting of the Performing Arts Center Trust was held on the stage area of Carnival Symphony Hall, 1330 North Bayshore Drive.

IN ATTENDANCE:

Stanley Arkin
Stuart Blumberg
T. Willard Fair
Ruth Greenfield
Robert Ingram
Betsy Kaplan
Susie Krajsa
I. Stanley Levine
Nancy Liebman
Florene Litthcut
Juan Loumiet
Denise Mincey-Mills
Jay Pons
Parker Thomson
Judy Weiser
David Wilson
Velia Yedra
Cindi Zilber

PACT:

Michael Hardy
Gail Eaton
Elaiza Irizarry
Judy Litt
Justin Macdonnell
Adriana Perez
Teresa Randolph
Valerie Riles Robinson

PACMO:

Gail Thompson
Ola Aluko
Mercedes Sosa
Willie Peña

OTHERS IN ATTENDANCE:

Ron Austin, VMS
Clare Keane Banchs, Performing Arts Center Foundation
Ross Bloomfield, Performing Arts Center Builders
Gilbert Cabrera, Office of the Chair, Board of County Commissioners

ABSENT:

Matilde Aguirre
J. Ricky Arriola
Matti Herrera-Bower
Sonia Burini
Roger Carlton
Bruce Davidson
James Herron
Elizabeth Ruth Johnston
Antonio Roca
Rep. Marco Rubio
Mario Ernesto Sanchez
Richard Shack
Rosa Sugrañes
Carole Ann Taylor
Penny Thurer

Charlie Cinnamon
Tom Coll, IATSE Local 500
Tom Derrington, Architects International, Inc.
Roberto Espejo, Cesar Pelli and Associates
David Forestier, Office of the Chair, Board of County Commissioners
Mark Freeks, South Florida Business Journal
Marguerite Gil, Sun Post Metro Edition
Hubert Harriman
Nancy Herstand, Performing Arts Center Foundation
Paola Iuspa, South Florida Business Journal
Dr. Anthony Japour, A.J. Japour Gallery
Stanley Jefferson, Performing Arts Center Builders
Kim Johnson, Office of Management and Budget
Fred Joseph
Ann McNeill
Richard Miller, Performing Arts Center Foundation
Bob Papke, SMG, Miami Beach Convention Center
Jodi Paradise, Thorp and Co.
Danny Parmenter, Performing Arts Center Builders
Shannon Pettypiece, Miami Today
Steven Pollock, Office of the Inspector General
Marlene Quaroni, Miami Today
Raul Rubiera, Miami Herald
David Schull, Thorp and Co.
Luiz Simon, Performing Arts Center Builders
Alec Steneck, Miami Space Time Project
Fred Tasker, Miami Herald
Patricia Thorp, Thorp and Co.
Doug Tober, SMG, Miami Beach Convention Center
Randy Volenec, Cesar Pelli & Associates
Sherwood Weiser, Performing Arts Center Foundation

1 The Performing Arts Center Chairman, Parker Thomson, called the meeting to order.

2
3 **Request for Excused Absences**

4 Teresa Randolph requested retroactive excused absences for the December 09, 2003 meeting
5 for Cindi Zilber who was out of town and for Sonia Burini who was ill. She requested excused
6 absences for the January 15, 2004 meeting for Mario Ernesto Sanchez, Roger Carlton, Bruce
7 Davidson, Richard Shack, and Ricky Arriola who are out of town and for Elizabeth Johnston-
8 Dixon, James Herron, Matilde Aguirre, Matti Herrera-Bower and Sonia Burini who are ill. A
9 motion to accept the excused absences was made by Stu Blumberg and seconded by Denise
10 Mincey-Mills. The motion passed unanimously.

11
12 **Approval of Minutes**

13 A motion to approve the minutes of the December 09 2003, Board meeting was made by
14 Stanley Arkin and seconded by Florene Litthcut. The motion passed unanimously.

15
16 **President's Report**

17 Michael Hardy presented the 2004 Annual Stuart Blumberg Perfect Attendance award to
18 Richard Shack and Fred Joseph.

19
20 Dr. Hardy reviewed the 2004 Board meeting dates. The meetings are not necessarily the
21 second Tuesday of the month. Regular meeting dates that conflicted with the County
22 Commission meetings have been rescheduled for the third Tuesday.

23
24 Dr. Hardy announced that Ricky Arriola has been appointed by the City of Miami Commission as
25 the newest Trust member. Mr. Arriola is the president and CEO of InktelDirect.

26
27 Roger Carlton and Parker Thomson have been working closely with members of the Miami-
28 Dade County School Board and the staff to prepare an RFP that will allow a parking facility to be
29 built on the School Board land west of the Ballet-Opera House. Approximately 50% of the lot is
30 owned by the School Board and the remaining portion is owned by Hank Sopher. Mr. Sopher
31 plans to begin development of his site in the near future and is waiting for the RFP to be
32 completed by the School Board.

33
34 The Review Committee of the Knight Foundation met and developed recommendations for
35 Phase II funding. Each Resident Company presented written requests in the amount of
36 \$200,000 for staff, branding or technology. There were also several collaborative requests as
37 well. All requests totaled \$1.6 million. The Knight Foundation represented by Suzette Prude
38 reviewed each proposal and deemed only the joint ticketing system proposal appropriate for
39 funding. The Miami City Ballet opted not to participate in the joint ticketing system because
40 recently they purchased a new ticketing platform. Michael Hardy will meet with Miami City Ballet
41 representatives and discuss how they can participate in the Phase II funding.

42
43 **Executive Committee**

44 The Executive Committee approved the resolution establishing the Performing Arts Center
45 Foundation and the Performing Arts Center Trust joint venture. The joint venture was approved
46 by the Foundation's Board in December 2003. A motion to approve the resolution was made by
47 Stu Blumberg and seconded by
48 T. Willard Fair. Motion passed unanimously.

1 The Executive Committee also approved two resolutions thanking Fred Joseph and Bruce
2 Davidson for their service as Trust Board members. The motion to approve the resolutions was
3 made by I. Stanley Levine and seconded by David Wilson.

4 5 **Finance Committee**

6 David Wilson reported that the Finance Committee completed the second part of the Finance
7 Committee Retreat. The Finance Committee recommended that the check signing policy be
8 changed to require two signatures for all checks over \$5,000, increased from \$1,000. The
9 Committee also recommended that the Articles of Incorporation be modified to move the
10 governance aspects into the by-laws and the role of the Treasurer be that of a staff person.
11 The Chief Financial Officer would likely fill the role of Treasurer and would report to the
12 President/CEO and to the Finance Committee Chair.

13
14 The Committee continued discussions concerning innovative revenue-generating opportunities
15 for the Center, namely sponsorships and through intellectual property. Sponsorships will be a
16 major revenue source once the capital campaign has ended. Mr. Wilson would like for the
17 Finance Committee to be instrumental in preparing a strategic plan for sponsorships and
18 intellectual property.

19
20 PACT will be sending MIT a check for \$100,000 for the Digital Media Center Project. Staff
21 members are in the process of locating sponsors to cover the expense.

22
23 The Committee approved John Messer as a new Finance Committee volunteer.

24
25 A motion to accept the Finance Committee's report was made by Ruth Greenfield and seconded
26 by Judy Weiser. The motion passed unanimously.

27 28 **Construction Committee Report**

29 Stanley Arkin called the Board's attention to the January 07, 2004, Construction Progress
30 Report. He reported that the steel for the Symphony Hall is nearing completion. Steel should be
31 completed in the Ballet-Opera House by March. Stone installation is ongoing. There were no
32 change orders for the PACT Board's approval this month.

33
34 Forty-four reverberation chamber doors have to be recast. The remaining forty doors are
35 undergoing remedial work. The subcontractor is experiencing some difficulties meeting the
36 specifications for the recasts and the repairs.

37
38 A meeting with artist Robert Zakanitch concerning the organ scrim will take place in the near
39 future. PACT Board Members will be invited.

40
41 Mediation is going well and will continue. To date, \$4.3 million has been resolved through
42 mediation, with Miami-Dade County agreeing to pay \$2.925 million. The second package to be
43 mediated is an \$8.4 million request related to steel detailing costs. In the event that the matter
44 is not successfully mediated, it will be presented to the Dispute Resolution Board for resolution.

45
46 PACB, PACMO and CP&A are developing a revised project schedule. The revised schedule
47 should be complete by the end of the month.

1 Gail Thompson reported that PACMO has \$41 million of change requests, much of which has
2 already been reviewed and approved or rejected. The goal is to complete the evaluation of all
3 outstanding change order requests by mid-year.

4
5 Ms. Thompson reported that in March PACMO will be taking nine items to the Miami-Dade
6 County Commission related to changes, the project schedule and design fee agreements. Items
7 include amendments to the Professional Service Agreements for the project's design
8 consultants, Fisher Dachs Associates, Artec Consultants Inc. and Cesar Pelli & Associates,
9 which will reflect the new construction schedule to be submitted by PACB. Ms. Thompson will
10 make a comprehensive report at the next Construction Committee Meeting.

11
12 There are two change orders going before the Miami-Dade Board of County Commissioners on
13 Tuesday. They are deductive change orders and they have been previously approved by the
14 PACT Board of Directors.

15
16 Ms. Thompson and Assistant County Manager Bill Johnson made a presentation at the
17 Recreation and Cultural Affairs Committee yesterday. The presentation chronicled the funding
18 and spending history of the project. Ms. Thompson will make a similar presentation to the
19 PACT Construction Committee's next meeting and at a future meeting of the PACT Board.

20
21 On January 28, 2004 Cesar Pelli and his staff will meet with staff and Board members of the
22 Trust and the Foundation to discuss interior and exterior finishes. Members of the Board are
23 welcomed to attend.

24 25 **Inspector General's Report**

26 A written report from Christopher Mazzella was distributed. The report summarized the Office of
27 the Inspector General's (OIG) involvement in the construction of the Performing Arts Center.
28 The report outlined the oversight services provided thus far.

29
30
31 Meeting adjourned.

32
33
34
35 Reported by Valerie Riles Robinson
36
37
38

Performing Arts Center of Greater Miami
Construction Progress Report for
Construction Review Committee
February 3, 2004

Executive Summary of Project Progress

During the month of January, PACB has been working on the revised "Work-to-complete" schedule, which was due to be completed on January 30. Mediations were also held this month to discuss steel detailing change requests and to discuss, generally, the respective opinions about the completeness of PACB's pre-construction effort. Also occurring in January was a session with the Dispute Resolution Board. This meeting was intended to provide an update to the Board of the construction progress since it last met in August 2003. The Board was provided a tour and a brief overview of management restructuring that has taken place amongst the team. Finally, the "Quality Team" had its first monthly meeting in January. The Team is made up of individuals from PACMO, CP&A and PACB and is intended to keep track of quality concerns through the remainder of the construction process. These activities are detailed below.

Quality – The Quality Team met on January 12, 2004 to review expectations of the County and CP&A regarding procedures to deliver a quality installation of the work and to review PACB's requirements of the Owner and its architect, necessary to ensure that this occurs. An example of this would include inspection requirements by ILG, the County's materials testing contractor and YAS, who is providing threshold inspection. The discussion of the necessity to adhere as much as is practical to an inspection schedule was included as was the need to have the work "ready" for inspection when these inspections occur. The Team will meet every month to assure that these collective objectives are being met.

One of the quality issues, which PACB has managed aggressively, is the refabrication of forty-four reverberation chamber doors and the repair of the remaining 40, to the specification requirements. CP&A recently met with PACMO, PACB and its subcontractor to review and approve procedures to insure compliance with the design intent. The final result has been agreed upon by all parties, with intent to install the first doors in April. PACB has committed to the installation of a "mock-up" door on site to dry-run the installation procedure.

Costs – The current value of Change Order Requests submitted by PACB on behalf of its subcontractors has reached \$49.4million. \$10.0million of this has been rejected and will move or has moved into the mediation process. Approximately \$7.8million has been either approved or recommended for approval and the balance is in various stages of review. It is intended that PACB fully review each request by its subcontractors prior to submission to the County. Once it is received by the County it is thoroughly reviewed by PACMO and its consultants. The County intends to have all COR's currently submitted, fully reviewed and through the approval or rejection and mediation process by late spring.

Schedule Summary and Delays - PACB submitted its latest updated construction schedule in November 2003 with a reported 394-day delay. That schedule showed a projected substantial completion date of November 2005. However since that time, in a collective effort to establish a revised baseline schedule that will provide a clear roadmap for the completion of the project, PACB agreed to work with PACMO, URS and CP&A to develop a new schedule by January 30, 2004. All parties have committed to adhering to the new baseline schedule, once finalized and agreed upon. The County has elected to give PACB additional time to submit the Completion Schedule to ensure that CP&A has had adequate time to give input into the schedule and that the requirements of the design team in order to meet the Schedule demands are achievable. PACB and CP&A are currently working together to review the design team "deliverables" necessary for the Schedule to be maintained.

Status of Change Order Requests/Mediation – PACB has submitted approximately \$49.4million in Change Order Requests, as outlined above. PACMO and PACB have committed themselves to the resolution of Change Order Requests (CORs) through negotiations between on-site management. The team has processed over \$3.0million in this fashion. To the extent that resolution is not reached at this level, the group has involved mediator John Freud to assist in establishing a framework for resolution. It is the goal of Miami-Dade County and PACB to resolve all outstanding COR's by late spring 2004.

The team has prioritized CORs to be mediated, beginning with steel-related CORs. To date, \$4.3million has been resolved through mediation, with Miami-Dade County agreeing to pay \$2.925million against this amount in full and final settlement of the related 224 COR's. The second package, \$8.4million request related to steel detailing costs, was discussed in January mediations. While no resolution was reached, PACB and its sub-contractor agreed to provide a more detailed justification of the request. Also during this mediation, both PACB and PACMO presented, informally, their respective views of PACB's fulfillment of its pre-construction responsibilities. The parties also discussed the impact of determining the pre-construction responsibility on resolving many of the outstanding change order requests. While no resolution was reached, it was agreed that further discussion was essential, whether in mediation or presented to the DRB for determination. Other packages that are being negotiated on site between PACMO and PACB staff are MEP (mechanical, electrical and plumbing) totaling approximately \$2.7million and exterior envelope (stone and curtain wall) CORs totaling approximately \$2.3million. Any CORs not successfully negotiated on site will be mediated.

Conformed Drawings - URS is conducting a detailed review of the design documents to determine what may be needed to facilitate the construction process. Once this process is completed, URS will assist CP&A and its design team in preparing an updated set of construction documents, which will clarify potential conflicts in the documents and include changes that may have been necessitated by earlier revisions to steel, as identified in such documents as responses to requests for information, field orders, etc. PACB will also provide assistance to this process by identifying the information most critical to the ongoing construction.

Each of the above-described measures is intended to resolve ongoing disputes that interfere with the forward progress of construction.

Construction Status and Progress Highlights

We have completed twenty-eight (28) months of construction and PACB currently projects another twenty-three (23) months to complete the project. The majority of trades have been contracted, representing approximately \$210.937M (Million) of the \$212.795M project hard costs. The balance making up the original \$254.650M GMP value includes contingencies, fees and general conditions.

Sanford and Dolores Ziff Ballet/Opera House

Exterior stone erection at the north intermediate level is 99% complete. Stone installation on the second tier north façade will commence during the second week of February. The installation of concrete on the orchestra level seating area has been completed. Installation of concrete on the upper tier levels will continue through the month. Installation of concrete at the side stage is complete. With the completion of concrete for the orchestra seating, rear and side stage, the masonry activities are in full production. The concrete slab above the rear stage is scheduled to be installed next week. Following that activity, concrete will be installed above the grid steel which is above the main stage. The main roof slab is also scheduled to be installed next week. The curtain wall glass installation is scheduled to commence the first week of the month. Steel erection on the west side of the building is ongoing and steel erection commenced in the rehearsal hall area. The installation of the overhead mechanical, electrical and fire protection equipment is ongoing and will continue throughout the month. Various inspections from the building official have been conducted successfully. The plaza colonnade backfilling is completed.

Carnival Symphony Hall

The installation of mechanical, electrical, fire protection and plumbing rough-in at the back-of-house administrative, management offices, basement and dressing rooms continues. Concrete installation of the orchestra level seating is underway and is scheduled to be completed by the middle of the month. The curtain wall frame inserts is being installed and will continue through the month. Foundation work on the west and east side classroom area is ongoing. Installation of masonry is progressing in the back of house areas at all levels. The main roof concrete deck was installed this week and the lower roof is scheduled for the next two weeks. Slab pours in the north portion of the attic area is completed. Installation of pre-cast reverberation chamber door pivots is ongoing. The repair work and recast reverb door mock ups have been inspected by the Architect. The official report will be released next week. Steel erection in Zone 2 on the west side of the building at the education center is ongoing.

Art Deco Tower

The concrete and structural preservation punch list work in the tower is completed and will be inspected by the Architect next week. Installation of the metal stairs scheduled for the end of the month. Installation of plumbing risers commenced last week and will be ongoing for the next three weeks. The mechanical rough-in is scheduled to commence the second week of the month.

Art in Public Places (APP)

A meeting has been scheduled for February 3, 2004, with CPA and Architectural Glass Art (AGA) to discuss pending questions regarding the railing detail in order to proceed with the fabrication of the mock-ups for the Jose Bedia handrails. Bedia's art work will be adjusted to fit the rails using PACB's shop drawings. PACB has received two of the epoxy terrazzo color samples from Grazini, the terrazzo sub-contractor, and is presently waiting for the others. A meeting will be held with APP, Jose Bedia, CP&A, PACMO and PACB to review the samples. A meeting was held at Fiton's office with CP&A to review the progress of Anna Murch's 3-D fountain drawings and to resolve pending questions. CP&A is to submit a Change Proposal Request to PACB to provide a fifteen-foot mock-up of the fountain sub-structure instead of the current mock-up for construction of the water feature portion of the fountain only. There will be an APP Professional Advisory Committee meeting scheduled for March 1, 2004 to review the organ scrim by Robert Zakanitch. Gary Moore's revised drawing of the Pharaoh's Dance Plaza was reviewed by APP, PACMO and CP&A. The team will be meeting with Gary Moore and Fiton, February 5, 2004 to review the "progress" of the rustic terrazzo samples and get an overall update on the Pharaoh's Dance Project. Bisazza is still at the 60% completion mark with the production of Cundo's Studio Theater glass mosaic. A meeting will be scheduled shortly to review progress of all APP projects

Construction Budget

Original GMP	\$254,650,000.00
Owner Direct Material Purchase	(\$ 45,502,626.00)
Change Orders (Adds & Credits)	<u>\$ 7,588,921.00*</u>
Current value of the GMP:	\$216,736,295.00

Current cost to Owner: \$259,523,295.00

*Note: The Change Order amount includes a \$6.0M Owner's Contingency Account for Change Authorizations that is already included within the GMP. Of this, approximately \$3.0million has been utilized for approved project changes, leaving a remaining allowance of \$3.0million for future Owner-initiated changes within the GMP.

Work In Place

Total Paid PACB to date:	\$87,850,088. 00
Retainage Withheld:	<u>\$ 5,895,769. 00</u>
Total Work in Place:	\$93,745,857.00

The average monthly value of work in place is \$3.34million including fee and general conditions of approximately \$980k monthly.

Community Small Business Enterprise (CSBE) Participation Status

PACB has surpassed the goal of 10% for CSBE participation for the Construction Management part of their contract by attaining **12.07%**. To date they have contracted with **four** CSBE firms for a combined CSBE dollar amount of **\$4,532,139.57**. The CSBE firms have been paid **\$2,850,083.69**, or **62.89%**, to date. PACB has a goal of 19.11% for CSBE participation for the construction part of the project. To date, **sixteen** CSBE firms, with a combined CSBE dollar amount of **\$25,742,092.93**, or **11.86%** of the total construction cost, has been contracted. PACB has developed a plan to meet the balance of its goal as construction progresses.

Workforce employed on site to date

The total number of individuals employed to date is **1979**, as reported by PACB. This includes administrative staff and represents an increase from last month.

Comprehensive Employment Strategy Agreement (CESA)

PACB has recorded **225** new hires toward its goal of 400 individual new hires. Of these, **twenty** reside in Priority Zone 1; **forty-eight** in Priority Zone 2; **One-Hundred-Seven** in Priority Zone 3; and **fifty** individuals reside in Priority Zone 4.

AGENDA

**PACT BOARD MEETING
Tuesday, February 10, 2004
Temple Israel
137 Northeast 19 Street
8:30 AM**

- I. Request for Excused Absences
- II. Approval of Minutes
- III. President's Report, Michael C. Hardy, PACT President and CEO
- IV. Programming Update – Justin Macdonnell, PACT Director of Programming
- V. PACT Committee Reports
 - A. Executive Committee
 - B. Finance Committee
 - C. Construction Committee
 - 1) Inspector General's Report
- VI. Reports
 - A. Performing Arts Center Foundation
 - B. Department of Cultural Affairs
 - C. PACT Board Members
- VII. Other Business


The next "Hard Hat" Performance will be on Friday, February 20th, Noon, on – site, featuring Nicole Yarling.



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR AND COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANGER

FROM: MATTI H. BOWER 
COMMISSIONER

DATE: February 12, 2004

RE: For Your Information-Provided by the Tourist Development Council

Attached please find the minutes of the November 13, 2003 Tourist Development Council Panel meeting. I have also included the agenda for the upcoming Tourist Development Council Subcommittee meeting on February 18, 2004.

MB/lw

RECEIVED
04 FEB 12 PM 4:12
CITY MANAGER'S
OFFICE

Agenda Item C3
Date 2-25-04

**TOURIST DEVELOPMENT COUNCIL
PANEL MEETING
CLERK'S SUMMARY OF AGENDA ACTION
AND OFFICIAL MINUTES
NOVEMBER 13, 2003**

The Tourist Development Council (TDC) convened in the Commission Chambers in the Stephen P. Clark Center, 111 N.W. First Street, Conference Room 18-3, Miami, Florida, at 10:00 a.m., on November 13, 2003; there being present Chairperson Bruno Barreiro; Mr. William Ader III, Commissioner Matti Herrera Bower, Ms. Ada Llerandi, Mr. William Perry III, Ms. Mary Kim Sovia; Mr. Michael Spring, Cultural Affairs Director, and Ms. Nikenna Benjamin, Grants Program Administrator; and Deputy Clerk Flora Real.

I. Additions, Deletions, Withdrawals - None were presented.

II. Conflict of Interest

Mr. Michael Spring, Director of Cultural Affairs Department, reviewed the TDC's Conflict of Interest Rules. He indicated a TDC member must declare a conflict of interest if that member was on the board of an applicant organization, was a contributor of \$1,000 or more a year to that applicant organization, or had served as a paid employee of that applicant organization. He noted a TDC member would have a conflict of interest if he or she was in one of the aforementioned categories within the past three years or if a member of his or her immediate family was in one of those three categories.

Mr. Spring stated, for the record, that Ms. Llerandi and Commissioner Bower had conflicts of interest with the Miami Design Preservation League and will declare such conflicts when the item was called to be considered.

III. Items for Approval

A. Minutes of the September 22, 2003, Meeting

It was moved by Commissioner Bower that the Minutes of the September 22, 2003, meeting be approved. This motion was seconded by Ms. Sovia; and upon being put to a vote, passed by a unanimous vote of 5-0. (Mr. Barreto, Mr. Lone, and Mr. Perry, and Commissioner Teele were absent)

B. First Funding Period's Deferred Applications

- | | |
|---|----------|
| 1. Orange Bowl Committee
<i>Orange Bowl International Championship</i> | \$12,500 |
| 2. Sunny Isles Beach Resort Association
<i>Miss Florida Teen USA</i> | \$10,000 |

Mr. Spring declared a conflict of interest for Mr. William Perry on Agenda Items III.B.1 and III.B.2.

**TOURIST DEVELOPMENT COUNCIL
PANEL MEETING
CLERK'S SUMMARY OF AGENDA ACTION
AND OFFICIAL MINUTES
NOVEMBER 13, 2003**

It was moved by Commissioner Bower that the funding recommendation of \$12,500 for the Orange Bowl International Championship and \$10,000 for the Miss Florida Teen USA be approved. This motion was seconded by Ms. Sovia; and upon being put to a vote, passed by a unanimous vote of 5-0. (Mr. Perry abstained from voting) (Mr. Barreto, Mr. Lone, and Commissioner Teele were absent)

C. Proposed Set-aside Funding for Haitian Bicentennial Events

Mr. Spring advised that no less than \$15,000 should be set-aside from remaining funds in the TDC Reserve or Shoulder Season Fund Accounts to support Haitian Bicentennial Events.

It was moved by Commissioner Bower that \$15,000 be set-aside for Haitian Bicentennial Events. This motion was seconded by Ms. Sovia; and upon being put to a vote, passed by a unanimous vote of 6-0. (Mr. Barreto, Mr. Lone, and Commissioner Teele were absent)

IV. Reports and Discussion Items

A. Updated Budget Recommendations for FY2003-04 Second Funding Period

Mr. Spring advised that the total budget for FY2003-04 was \$919,500, noting that \$401,340 allocated in the First Funding Period and \$220,050 for the Second Funding Period were recommended by the TDC Subcommittee. He indicated that the remaining balance for the Third and Fourth Funding Periods was \$215,600 with a current balance in the Reserve Fund of \$32,510. He noted that the Board of County Commissioners had approved the funding allocations for the First Funding Period.

B. Updated Financial Position and Funding Recommendations for FY2003-04 Second Funding Period

Mr. Spring reviewed the number of applicants recommended for funding for the Second Funding Period, noting there had been 35 applications requesting a total of \$600,000 in funding. He advised that 27 applicants had been recommended for funding by the Tourist Development Council Subcommittee totaling \$220,050, six (6) applicants had been deferred to a later funding period, one application was referred to the Community Grants Program, Department of Cultural Affairs, and one (1) applicant was not recommended for funding. He stated that the funding recommendations for the Second Funding Period had exceeded the budgeted allocation by \$40,050. He stated that the excess funding recommendation for the Second Funding Period required an adjustment of \$40,050 from the TDC's Reserve Fund; thus leaving the Reserve Fund with a remaining balance of \$32,510 minus the \$15,000 recommended to be set-aside for the Haitian Bicentennial Events, or \$17,510 in reserves.

**TOURIST DEVELOPMENT COUNCIL
PANEL MEETING
CLERK'S SUMMARY OF AGENDA ACTION
AND OFFICIAL MINUTES
NOVEMBER 13, 2003**

V. Citizen's Presentations

Agenda Item VI.F.1: Captain Marty Locke, Executive Director, Captain Bob Lewis Billfish Challenge, Inc., requested favorable consideration for increased funding to at least last year's funding level of \$13,000.

Agenda Item VI.A.4: Ms. Suzy Breitner, Visual Arts/Museum Director, Dave and Mary Alper Jewish Community Center, thanked the TDC panel for the funding recommendation.

Agenda Item VI.A.7: Mr. Nick Coffin, President of the Homestead Rodeo Association, requested increased funding for the event.

Agenda Item VI.A.10: Ms. Kathryn Gaubatz, Executive Director, Miami Bach Society, Inc., requested favorable consideration for full funding of the Tropical Baroque Music Festival V.

Agenda Item VI.A.13: Ms. Cristina Fernandez, Marketing Director, North Beach Development Corporation, thanked the TDC panel for the funding recommendation and requested additional funding.

Agenda Item VI.B.2: Mr. Christopher Schram, Programs Officer, National Foundation for Advancement in the Arts, thanked the TDC panel for recommending additional funding.

Agenda Item VI.B.3: Ms. Mary Luft, Executive Director, Tigertail Productions, Inc., thanked the TDC panel for the funding recommendation and extended an invitation to all TDC members to attend the event.

Agenda Item VI.C.2: Mr. Jeffrey Buchman, Managing Director, Duende Ballet Espanol, requested increased funding for the event of Entre Nosotros Spanish Dance & Flamenco.

Agenda Item VI.C.4: Mr. Jack Wolfe, Co-Director, Made In Miami Film & Video Festival, requested increased funding for the event of Third Annual Made In Miami Film & Video Festival.

Agenda Item VI.C.8: Ms. Yanick Destrens (phonetic), requested that the TDC consider funding the event of Sixteenth Annual Haiti Independence Fete.

Agenda Item VI.D.3: Ms. Stephanie Blanche (phonetic) requested that the TDC panel consider the event of Miami Improv Festival for funding.

Agenda Item VI.E.3: Ms. Sheila Austin, Manager, Miami-Dade Park and Recreation Department, Division of Arts and Culture, requested that the funding recommendation of \$9,000 be increased to last year's funding level.

**TOURIST DEVELOPMENT COUNCIL
PANEL MEETING
CLERK'S SUMMARY OF AGENDA ACTION
AND OFFICIAL MINUTES
NOVEMBER 13, 2003**

Agenda Item VI.F.2: Mr. Kenneth Carin (phonetic), President, Fishing and Conservation Trust, Inc., requested increased funding to last year's funding level for the 69th Annual Metropolitan South Florida Tournament.

Agenda Item VI.G.2: Ms. Lana Bernstein, Vice President, Public Relations, requested increased funding for the event of Volley Palooza.

Agenda Item VI.G.1: Mr. Gaby Pozo, C.F.O., PR Racing, Inc., requested for the Toyota Prius Miami Tropical Marathon and Half-Marathon.

Agenda Item VI.C.5: Mr. Mas requested favorable consideration for increased funding for the event of Sobe Fest A Taste of the Beach.

Upon conclusion of the foregoing, the Citizen's Presentation portion of the meeting was concluded and discussion ensued in connection with the grants listed on today's agenda.

Agenda Item VI.A.7: Ms. Sovia recommended that TDC approve an additional \$2,300 to the funding recommendation for the 55th Annual Homestead Championship Rodeo, Parade & Frontier Days.

Agenda Item VI.A.10: Ms. Sovia recommended that TDC approve an additional \$1,000 in the funding recommendation for the Tropical Baroque Music Festival V.

Agenda Item VI.E.3: Ms. Sovia recommended that the TDC approve an additional \$1,000 to the funding recommendation for the Cornucopia of the Arts 2004.

Agenda Item VI.F.1: Ms. Sovia recommended that the TDC approve an additional \$2,000 to the funding recommendation for the Captain Bob Lewis Billfish Challenge.

Agenda Item VI.G.1: Ms. Sovia recommended that the TDC approve an additional \$3,750 to the funding recommendation for the Toyota Prius Miami Tropical Marathon and Half Marathon.

Upon conclusion of the discussion on the funding recommendations for the applicants, it was moved by Ms. Sovia that the foregoing TDC members recommendations be approved along with staff recommendations for TDC's Second Funding Period listed on today's agenda. This motion was seconded by Commissioner Bower; and upon being put to a vote, passed by a unanimous vote of 6-0. (Mr. Barreto, Mr. Lone, and Commissioner Teele were absent)

**TOURIST DEVELOPMENT COUNCIL
PANEL MEETING
CLERK'S SUMMARY OF AGENDA ACTION
AND OFFICIAL MINUTES
NOVEMBER 13, 2003**

VI. Grant Applications and Recommendations – Second Funding Period

A. Special Events/Promotions (Non-Profit) -- Continuing

	Requested	Panel Recommendation
1. Black Door Dance Essemble, Inc. <i>The Divine One: The Music of Sarah Vaughan</i>	\$ 5,000	\$ 1,350
2. Centro Cultural de Puerto Rico en el Sur de la Florida <i>Cuarto Festival del Plantano – Year 2004</i>	22,500	4,500
3. Coconut Grove Arts & Historical Association, Inc. <i>Washington Mutual Coconut Grove Arts Festival</i>	25,000	22,500
4. Dave and Mary Alper Jewish Community Center <i>Chagall for Children Exhibition</i>	15,000	13,500
5. Dr. Martin Luther King, Jr., Parade and Festivities Committee, Inc. <i>Dr. Martin Luther King Jr., Parade and Festivities</i>	10,000	5,000
6. Florida International University Foundation, Inc./ South Beach Wine and Food Festival <i>South Beach Wine and Food Festival</i>	25,000	4,500
7. Homestead Rodeo Association, Inc. <i>55th Annual Homestead Championship Rodeo, Parade & Frontier Days</i>	15,000	9,500
8. Ife-Ife, Inc. <i>Rituals, Religion and Art</i>	15,000	4,000
9. Jamaica Awareness, Inc. <i>Miami Reggae Festival: Salute to Peter Tosh</i>	25,000	8,000
10. Miami Bach Society, Inc. <i>Tropical Baroque Music Festival V</i>	25,000	5,900
11. Miami Classical Guitar Society, The <i>First International Guitar Competition</i>	5,000	4,000
12. Miami Design and Preservation League <i>Art Deco Weekend Festival 2004</i>	15,000	Defer
13. North Beach Development Corporation <i>Miami Beach Festival of the Arts</i>	15,000	5,250
14. University of Miami Lowe Art Museum <i>Change and Continuity: Folk & Tribal Art of India</i>	15,000	7,200

**TOURIST DEVELOPMENT COUNCIL
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B. Special Events/Promotions (Non-Profit) -- Ongoing

1. Miami International Film Festival, Presented by Miami-Dade Community College <i>Miami International Film Festival</i>	25,000	20,000
2. National Foundation for Advancement in the Arts <i>2004 ARTS Program and 2004 Arts Week Educators Conference</i>	25,000	12,500
3. Tigertail Production, Inc. <i>Tigertail FLA/BRA International</i>	25,000	10,000

C. Special Events/Promotions (Non-Profit) -- First Time

1. Bay of Pigs Museum and Library of the 2506 Brigade, Inc. <i>Tourist Promotional Campaign</i>	15,000	7,500
2. Duende Ballet Espanol <i>Entre Nosotros (Between Us) Spanish Dance Flamenco</i>	15,000	3,000
3. God's Total Word Ministries <i>Haiti Bicentennial Convention</i>	25,000	Defer
4. Made in Miami Film & Video Festival <i>Third Annual Made in Miami Film & Video Festival</i>	15,000	5,000
5. Miami Beach Chamber of Commerce <i>Sobe Fest A Taste of the Beach</i>	10,000	0
6. Murray Dranoff Foundation <i>The 9th Annual Murray Dranoff International Two Piano Competition</i>	25,000	Defer
7. Recapturing the Vision International, Inc. <i>Vessels of Honor Concert and Rally</i>	15,000	Defer
8. United Haitian American Artists, Inc. <i>Sixteenth Annual Haiti Independence Fete</i>	15,000	Defer

D. Special Events/Promotions (For-Profit) -- First Time

1. Advanstar Communications, Inc. d/b/a Art Miami <i>Art Miami 2004</i>	25,000	2,000
2. Cash Appeal Entertainment, Inc. <i>Miami International Boat Parade</i>	15,000	Defer
3. Miami Improv Corporation d/b/a Just the Funny <i>Miami Improv Festival</i>	5,000	Refer to CG

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E. Special Events/Promotions (Government) -- Continuing

1. City of Miami Dept. of Economic Development <i>The Real Miami Tours</i>	15,000	Defer
2. Cultural Affairs Council of South Miami, Inc. <i>Art Expo South Miami Arts Show</i>	10,500	10,500
3. Miami-Dade Department of Park & Recreation (Division of Arts and Culture) <i>Cornucopia of the Arts 2004</i>	9,000	10,000

F. Sports Events (Non-Profit) -- Continuing

1. Captain Bob Lewis Billfish Challenge, Inc. <i>Captain Bob Lewis Billfish Challenge</i>	15,000	6,900
2. Fishing and Conservation Trust, Inc. <i>69th Annual Metropolitan South Florida Tournament</i>	25,000	16,000

G. Sports Events (For-Profit) -- First Time

1. PR Racing, Inc. <i>Toyota Prius Miami Tropical Marathon and Half Marathon</i>	25,000	10,000
2. Sobe News, Inc. d/b/a Ocean Drive Magazine <i>Volley Palooza</i>	25,000	7,500

ADJOURNMENT

There being no further business to come before the Tourist Development Council, the meeting was adjourned at 10:30 a.m.



MIAMI-DADE COUNTY
DEPARTMENT OF CULTURAL AFFAIRS

**TOURIST DEVELOPMENT COUNCIL
Subcommittee Meeting
Wednesday, February 18, 2004 10:30 AM
Stephen P. Clark Center
111 NW First Street
Second Floor Conference Room
Miami, Florida**

AGENDA

I. Additions, Deletions, Withdrawals

II. Conflict of Interest

III. Items for Approval

A. Minutes of the November 13, 2003 Meeting

B. Second Funding Period's Deferred Applicant

- | | |
|---|----------|
| 1. Miami Design and Preservation League | \$14,000 |
| <i>Art Deco Weekend Festival 2004</i> | |

C. Re-appointment of TDC Panel Members

IV. Reports and Discussion Items

A. Updated Budget Recommendations for FY2003-04 Third Funding Period

**B. Updated Financial Position and Funding Recommendations for
FY2003-04 Third Funding Period**

V. Grant Applications and Recommendations - Third Funding Period

A. Special Events/Promotions (Non-Profit) -- Continuing

	Request	Staff Recommendation
1. Ballet Etudes Company of South Florida <i>"Sleeping Beauty" by P. Tchaikovsky - Full Length Ballet</i>	\$ 15,000	\$ 1,350
2. Coconut Grove Chamber of Commerce <i>6th Annual Coconut Grove Commodore Block Party</i>	15,000	3,083
3. Coral Gables Congregational Church, Inc. <i>2004 Summer Concert Series</i>	15,000	5,000
4. Council of Latin American Fashion Designers, Inc. <i>Fashion Week of the Americas</i>	25,000	2,450

Michael Spring, Director

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		Request	Staff Recommendation
5.	Florida Dance Association, Inc. <i>26th Florida Dance Festival</i>	25,000	7,200
6.	Miami Gay & Lesbian Film Festival, Inc. <i>6th Annual Miami Gay & Lesbian Film Festival</i>	8,000	7,200
7.	Miami Latin Film Festival (Festival de Cine Hispano) <i>VIII Miami Latin Film Festival</i>	25,000	6,300
8.	Miami/Bahamas Goombay Festival <i>28th Miami Bahamas Goombay Festival</i>	25,000	12,000
9.	New World Festival, Inc. <i>Coral Gables Cultural Calendar and Countywide Tourism Cultural Activities</i>	15,000	9,000
10.	New World Symphony, Inc. <i>New World Symphony Touring Season</i>	25,000	4,800
11.	North Dade Regional Chamber f/a John I. Smith Foundation, Inc. <i>"Big Fish" Contest</i>	3,800	3,000
12.	Sunrise Community Promotions, Inc. <i>Lighter than Air Showcase of Performers</i>	25,000	4,000
13.	Unconservatory, Inc., The <i>Gala for Two Pianos 2004</i>	10,000	2,784
14.	USTC Tango Fantasy <i>International Tango Fantasy 2004</i>	25,000	2,500

B. Special Events/Promotions (Non-Profit) -- Ongoing

1.	City Theatre, Inc. <i>Summer Shorts 2004 - America's Short Play Festival</i>	25,000	5,000
2.	Infinito Art & Cultural Foundation, Inc. <i>8th Brazilian Film Festival of Miami</i>	25,000	5,000
3.	New Vision for South Dade, Inc. <i>Dr. Martin Luther King, Jr. Parade</i>	5,000	5,000
4.	Performing Arts Network (PAN) <i>PAN 2004 Spring In-Studio Performance Series</i>	15,000	Refer to CG

C. Special Events/Promotions (Non-Profit) -- First Time

1.	Black Economic Development Coalition, Inc. <i>Seventh Avenue Cultural Night Out - Soul on 7th Avenue</i>	5,000	Refer to CG
2.	Galata Haitian Culture Enrichment & Self Empowerment, Inc. <i>One People, One Community Multicultural Street Festival</i>	15,000	2,500
3.	Jubilate, Inc. <i>Jubilate's Juneteenth Celebration</i>	15,000	3,000
4.	Miami Momentum Dance Company, Inc. <i>Miami Beach Dance Festival</i>	15,000	Withdrew
5.	National Urban League <i>35th Annual Black Executive Exchange Program National Conference</i>	25,000	Defer

		Request	Staff Recommendation
6.	Patrons of Exceptional Artists, Inc. <i>The Miami International Piano Festival - Discovery Series</i>	25,000	3,000
7.	United Haitian American Artists, Inc. <i>Sixteenth Annual Haiti Independence Fete</i>	15,000	5,000
D. Special Events/Promotions (For-Profit) -- Continuing			
1.	EK Events <i>VI Festival Argentino</i>	15,000	5,360
E. Special Events/Promotions (For-Profit) -- First Time			
1.	Clio Awards <i>Clio Awards Festival</i>	25,000	2,500
2.	Extravagant Enterprises, Inc. <i>The Lockwood Summer Extravaganza</i>	15,000	0
F. Sports Events (Non-Profit) -- Continuing			
1.	Miami Northwest Express Track and Field Club, Inc. <i>29th Annual Northwest Track & Field Classic</i>	15,000	4,900
G. Sports Events (Non-Profit) -- Ongoing			
1.	Greater Miami Billfish <i>Yamaha Contender Miami Billfish Tournament</i>	15,000	5,000
H. Sports Events (For-Profit) -- Continuing			
1.	Sportsmen's Adventures, Inc. <i>Sportsmen's Adventures with Captain Rick Murphy</i>	25,000	4,950

Adjournment

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